

## APPENDIX.

## STANDING COMMITTEE REPORTS.

The following standing committees have today filed favorable reports on bills as follows:

Municipal and Private Corporations: House bill No. 128.

State Affairs: House bills Nos. 127, 213, 215.

Highways and Motor Traffic: Senate bill No. 5, House bills Nos. 158, 272, 79, 138.

Judiciary: House bill No. 57.

Game and Fisheries: House bill No. 71.

## REPORT OF THE COMMITTEE ON ENROLLED BILLS.

Committee Room,

Austin, Texas, January 19, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 5, Directing Adjutant General to take charge of Capitol grounds,

Have carefully compared same and find it correctly enrolled.

MORSE, Chairman.

## NINTH DAY.

(Friday, January 21, 1927.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Bobbitt.

The roll was called, and the following members were present:

Acker.	Dale.
Albritton.	Daniel.
Alexander.	Davis.
Anderson.	DeBerry.
Avis.	Denman.
Barnett.	Dielmann.
Barron.	Dunlap.
Bass.	Durham.
Bateman.	Duvall.
Beck.	Enderby.
Bird.	Eickenroht.
Black.	Farrar.
Boggs.	Faulk.
Boon.	Finlay.
Branch.	Fly.
Brown.	Forbes.
Conway.	Fuchs.
Cornwell.	Gates.
Cox.	Gibson.
Cummings.	Gilbert.

Graves.	Rawlins.
Gray.	Reagan.
Hagaman.	Renfro
Hall.	of Angelina.
Harding.	Renfro of Mills.
Harman.	Rogers of Hays.
High.	Rogers of Shelby.
Holder.	Runge.
Holland.	Sanders.
Hornaday.	Satterwhite.
Jacks.	Shaver.
Johnson.	Shearer.
Jones.	Sheats.
Justice.	Shirley.
Kemble.	Simmons.
Kennedy.	Sinks.
Kincaid.	Smith of Atascosa.
King of Hopkins.	Smith of El Paso.
King of	Smith of Nueces.
Throckmorton.	Smith of Smith.
Kirkland.	Smyth.
Land.	Snelgrove.
Lipscomb.	Stell.
Loftin.	Stevenson.
Long.	Storey.
Loy.	Stout.
Masterson.	Sutton.
McCombs.	Swain.
McGill.	Taylor.
McKean.	Teer.
Merritt.	Tillotson.
Minor.	Turner.
Montgomery.	Van Zandt.
Moore.	Veatch.
Morse.	Waddell.
Moursund.	Walker.
Murphy.	Wallace
Nabors.	of Freestone.
Nicholson.	Wallace of Panola.
Olsen.	Wallace of Smith.
Parish of Runnels.	Ware.
Parrish of Travis.	Webb.
Pavlica.	Wells.
Pearce.	Whitaker.
Petsch.	Williams
Poage.	of Sabine.
Pool.	Williams
Pope.	of Travis.
Porter.	Williamson.
Powell.	Woodall.
Purl.	Woodruff.
Ramsey.	Young.

Absent.

Bonham.

Kirby.

Absent—Excused.

Foster.	Kinnear.
Hefley.	Kittrell.
Kayton.	Rowell.
Kenyon.	Wassell.

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

## LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Kayton and Mr. Kenyon for today, on motion of Mr. Jacks.

Mr. Hesley for today, on motion of Mr. Hornaday.

Mr. Wassell for today, on motion of Mr. Walker.

Mr. Rowell for today, on motion of Mr. Woodall.

Mr. Foster for today, on motion of Mr. Morse.

The following members were granted leaves of absence on account of sickness:

Mr. Kinnear for today, on motion of Mr. Reagan.

Mr. Kirby for today, on motion of Mr. Morse.

Mr. Kittrell for today, on motion of Mr. Durham.

## HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees as follows:

By Mr. Snelgrove, Mr. Veatch, Mr. Graves, Mr. Holder and Mr. Farrar:

H. B. No. 247, A bill to be entitled "An Act to levy a tax upon retail dealers in tobacco and tobacco products for the benefit of the public schools of the State of Texas, based upon the weight, or the sales price at retail; to provide for the collection of such tax and to require the use of stamps as evidence of payment thereof; to provide for an inspection of the records and stocks of all dealers subject to the payment of this tax, and prescribing penalties for the violations of this act."

Referred to Committee on Revenue and Taxation.

By Mr. Wells:

H. B. No. 248, A bill to be entitled "An Act to regulate the packing and marking of packages and containers; requiring the net quantity of such package or container to be conspicuously marked on the outside of package or container; providing for exemptions; defining the term container; giving authority to the Commissioner of Agriculture to provide tolerances and variations to enforce the act; providing that the holding of one section or provision of this act unconstitutional shall not invalidate any other section or provision, and declaring an emergency."

Referred to Committee on Agriculture.

By Mr. Wells:

H. B. No. 249, A bill to be entitled "An Act regulating the sale of ice, coal, charcoal, coke, milk bottled, butter, hay; providing this act is not to be construed to repeal any part of Chapter 7, Title 93, Revised Civil Statutes, 1925, regulating weights and measures, but shall be construed as cumulative of same; providing certain penalties; providing if one section or provision of a section is held to be unconstitutional other provisions or sections are not invalid, and declaring an emergency."

Referred to Committee on Agriculture.

By Mr. Waddell:

H. B. No. 250, A bill to be entitled "An Act to create Road District No. Nine (9) of Fort Bend county, Texas; validating and approving all orders made by the commissioners court of said county, in respect to the organization of said district; validating the authorization of certain road bonds thereof, and providing for the issuance and sale thereof; authorizing the commissioners court to levy and provide for the assessment and collection of general ad valorem taxes on all taxable property in said road district in payment of principal and interest on said bonds; approving and validating all orders of the commissioners court of said county in respect of said road district, bonds and taxes, or certified copies thereof, and constituting such orders legal evidence; evidencing proof of publication of constitutional notice required in such acts, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Mr. Alexander:

H. B. No. 251, A bill to be entitled "An Act to amend Article 6380 of Chapter 8, Title 112, of the Revised Civil Statutes of 1925, providing for the number of employes to be placed upon railroad yard or switch engines, passenger trains composed of five cars more or less, motor cars or trains carrying passengers which are propelled by electricity or gasoline composed of less than five cars; mixed passenger and freight trains carrying both passenger and freight; local freight trains run for the purpose of hauling freight to and from intermediate points and doing station switching or other local work over its division; through freight trains not carrying passengers or doing local freight work or station switching between division terminals composed of sixty cars more or less; light engines not hauling

freight or passengers; providing for the exclusion from the provisions of this act all railroads, except belt and terminal railways which are less than twenty miles in length; providing that this act shall not apply in cases of disability of one or more of any train crew while out on the road between division terminals, or to switching crews while pushing trains out of yard limits; making it lawful for any person, firm, corporation, trustee, receiver, lessee, joint stock association or other person in control of or operating any railroad within this State to run or operate its yard or switch engines, trains or light engines with less than a full crew as provided in this act; providing that each violation of the provisions of this act shall constitute a separate offense, and providing a penalty therefor; providing how suits for penalties may be brought, and providing that such suit or suits shall be subject to the provisions of Article 6477 of the Revised Civil Statutes of 1925; providing that if any of the provisions of this act shall be held void the same shall not affect the remainder of this act; providing that all laws or parts of laws in conflict with this act are hereby repealed, and declaring an emergency."

Referred to Committee on Common Carriers.

By Mr. Taylor:

H. B. No. 252, A bill to be entitled "An Act to amend Articles 1079, 1080 and 1081, of the Revised Civil Statutes of 1925, of the State of Texas, by providing for a uniform examination to be prescribed by the State Board of Health for the examination of applicants for plumbing license."

Referred to Committee on Public Health.

By Mr. Pool, Mr. Runge, Mr. Finlay, Mr. Dielmann, Mr. Durham, Mr. Parish of Runnels, Mr. Hall, Mr. Barron, Mr. Forbes, Mr. Webb, Mr. Young, Mr. Daniel, Mr. Williamson, Mr. Stevenson, Mr. Storey, Mr. Shearer, Mr. Moursund, Mr. Gates, Mr. Petsch, Mr. Smith of El Paso, Mr. McGill, Mr. Cummings, Mr. Pearce, Mr. Anderson, Mr. Wells, Mr. Montgomery, Mr. Purl and Mr. Sheats:

H. B. No. 253, A bill to be entitled "An Act to provide for co-operation between the State of Texas and the United States Department of Agriculture in the destruction of predatory animals—coyotes, wolves, mountain lions, bob cats and other predatory animals, and rodent

pests—i. e., prairie dogs, jack rabbits, pocket gophers, and ground squirrels; appropriating funds for such purposes, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Jacks:

H. B. No. 254, A bill to be entitled "An Act declaring the use, manufacture, sale, distribution and delivery of ice a public business, impressed with a public trust, and subject to public regulations; conferring jurisdiction and authority upon the Railroad Commission of Texas thereover; making it the duty of said Commission to adopt rates, charges, rules and regulations governing the manufacture, sale, delivery and distribution of ice, and to correct abuses and prevent unjust discrimination in rates, charges and practices relative thereto."

Referred to Committee on Commerce and Manufactures.

By Mr. Masterson:

H. B. No. 255, A bill to be entitled "An Act to provide for the assessment and collection of taxes for counties, subdivision of counties, and districts, on lands owned, acquired or hereafter to be acquired by the State for the purpose of establishing State farms, and employing thereon convict labor on State account, and repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Penitentiaries.

By Mr. Cornwell:

H. B. No. 256, A bill to be entitled "An Act repealing Chapter 15 of the Special Laws of the Thirty-seventh Legislature, entitled 'An Act creating a more efficient road system for Hardin county, Texas; providing that each commissioner of the same shall be ex-officio road commissioner of his precinct; providing for an inspection of roads, bridges and culverts by said commissioner; providing for bonds, compensation and duties, and providing for the work of delinquent poll tax payers of the public roads and accepting certain compensation in lieu of road work; providing that the commissioners court shall have power to build roads, bridges, culverts, etc., by private contract; providing that the commissioners court may employ a superintendent who shall be an experienced civil engineer in road building; providing penalties for the violation of this act, and this act shall be cumulative of all General Laws of this State not in conflict herewith; repealing

Chapter 82, Special Laws, passed by the Thirty-second Legislature, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Mr. Fly:

H. B. No. 257, A bill to be entitled "An Act to relinquish and quitclaim unto cities and towns or municipalities which were established or founded, according to the records of the General Land Office, on March 10, 1826, under the laws of Mexico, or the laws of Coahuila and Texas, and which had a population of thirty-one hundred and twenty-eight, according to the published United States Census of 1920, all squares, blocks, or parcels of land, except streets, alleys and parks now situated in such cities and towns, to which squares, blocks or parcels of land the State of Texas may now have any right, title or interest, and declaring an emergency."

Referred to Committee on Municipal and Private Corporations.

By Mr. Moursund:

H. B. No. 258, A bill to be entitled "An Act to amend Articles 279 and 280, Title 13, and to repeal Article 287, Title 13, of the Revised Civil Statutes of 1925, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Moursund:

H. B. No. 259, A bill to be entitled "An Act to amend Articles 6834 and 6856, Title 119, of the Revised Civil Statutes of 1925, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Hall:

H. B. No. 260, A bill to be entitled "An Act creating a more efficient road system for Fisher county, Texas; providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the commissioners court; providing for the laying out, establishment and construction of roads, bridges and culverts, and for the repair and maintenance thereof."

Referred to Committee on Highways and Motor Traffic.

By Mr. Smith of Atascosa:

H. B. No. 261, A bill to be entitled "An Act to make clear the public policy of the State of Texas with reference to

the protection of minor wards from unrelated testamentary guardians of their person, who, by will or testamentary provisions, or by such wills taken in connection with relinquishments or adoptions, are placed in position to profit financially by the demise of such wards."

Referred to Judiciary Committee.

By Mr. Smith of Atascosa:

H. B. No. 262, A bill to be entitled "An Act to further define the offense of kidnapping and to fix a punishment therefor."

Referred to Committee on Criminal Jurisprudence.

By Mr. Merritt, Mr. Pearce, Mr. Hall and Mr. Finlay:

H. B. No. 263, A bill to be entitled "An Act to provide for the appointment by the commissioners courts of the different counties of Texas of a county sealer of weights and measures, and providing for his compensation; providing that the county sealer of weights and measures shall be equipped with weights and measuring devices at the expense of the county, to be authenticated by the Commissioner of Agriculture; and providing that such county sealer of weights and measures shall at all times work under the direction of the Commissioner of Agriculture in the enforcement of the Weights and Measures Laws; providing that such county sealer of weights and measures shall co-operate with the city sealer of weights and measures and any incorporated city having a city sealer of weights and measures; providing that the commissioners courts of two or more adjacent counties may combine such counties into one district and appoint a sealer of weights and measures for such district with the same powers and privileges as a county sealer of weights and measures, and providing for his compensation."

Referred to Committee on Municipal and Private Corporations.

By Mr. Brown:

H. B. No. 264, A bill to be entitled "An Act to authorize the Commissioner of the General Land Office to revalue, reclassify and give new notice on all scrap school surveys, which were valued and classified on March 26, 1926, and allow all applicants sixty days after such reclassification and revaluation in which to file applications to purchase said land, and declaring an emergency."

Referred to Committee on Public Lands and Buildings.



By Mr. Rogers of Hays and Mr. McKean:

H. B. No. 265, A bill to be entitled "An Act providing for the regulation of gins, ginner's and ginning; the licensing of ginner's; prescribing the conditions of a ginner's bond; providing for proper packing, wrapping, marking and certifying of bales of cotton; providing for the collection of license fees to be used by the Commissioner of Agriculture for the enforcement of this act; requiring certain reports; providing penalties for the violation of this act; defining certain terms; repealing certain articles of the statute and all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Agriculture.

By Mr. Dielmann:

H. B. No. 266, A bill to be entitled "An Act to amend Article 2902, Revised Statutes, 1925, reducing the free school age to six years."

Referred to Committee on Education.

By Mr. Parrish of Travis, Mr. Forbes and Mr. Kirkland:

H. B. No. 267, A bill to be entitled "An Act for the conservation of the soil and its protection against ultimate destruction of its productivity; making it a misdemeanor for any owner of land to plant or cultivate or cause to permit or be planted or cultivated on said land cotton for a second year in succession; providing for investigation of violations by the Commissioner of Agriculture, for the notation of cotton acreage on rolls of tax assessors; providing a penalty, and declaring an emergency."

Referred to Committee on Agriculture.

By Mr. Holland:

H. B. No. 268, A bill to be entitled "An Act to create an additional criminal district court for the county of Harris; and to provide for district, jurisdiction and organization of and procedure in said court; to provide for the transferring and docketing of cases and to provide for the trial and disposition of causes during the absence of either judge; to provide for the appointment and election, qualification, jurisdiction, duties, powers and compensation of a judge thereof; to provide for a seal, and to provide for a sheriff, clerk and attorney thereof, and to provide for the appointment and pay of special deputy clerks, and an assistant district attorney; to fix the time for holding terms thereof, and to provide for jury service and empanelling of grand juries; to limit and conform thereto jurisdiction of the

Criminal District Court of Harris county."

Referred to Committee on Criminal Jurisprudence.

By Mr. Young:

H. B. No. 269, A bill to be entitled "An Act to amend Article 2861, Revised Civil Statutes, 1925, by adding thereto another section to be known as Article 2861a, providing that in contracting for books to be used in the public schools of the State of Texas preference is to be given to Texas authors and publishers."

Referred to Committee on Education.

By Mr. Moore (by request):

H. B. No. 270, A bill to be entitled "An Act to amend Article 7047, Section 3, of the Revised Statutes of the State of Texas for 1925, as enacted by the Thirtieth Legislature, Acts of 1907, page 57, by inserting that an annual occupational tax of \$50 shall be levied on and collected from every optometrist, whether itinerant or stationary, and repealing all laws in conflict herewith."

Referred to Committee on Revenue and Taxation.

By Mr. Tillotson:

H. B. No. 271, A bill to be entitled "An Act defining and classifying the Civil Service of this State, and such counties and municipalities as may adopt the provisions of the act as herein provided; creating a Civil Service Commission and prescribing the manner of their appointment, compensation, and organization, and defining and prescribing the duties, powers and authority of such commission."

Referred to Committee on State Affairs.

By Mr. Pope:

H. B. No. 272, A bill to be entitled "An Act to amend Articles 2688 and 2700, Revised Statutes of 1925, providing for the creation of the office of county superintendent of public instruction, the election and qualifications of county superintendents and office assistants, and fixing their salaries."

Referred to Committee on Education.

By Mr. Duvall:

H. B. No. 273, A bill to be entitled "An Act amending Article 4629 of the Revised Civil Statutes of 1925, relating to divorces, so as to make subdivision 4 thereof read as follows: 'Where a husband and wife have lived apart without cohabitation for as long as five years,' and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Purl, Mr. Jacks, Mr. Davis, Mr. McCombs and Mr. Rawlins:

H. B. No. 274, A bill to be entitled "An Act to create 'The County Criminal Court' for Dallas county, Texas; to define the jurisdiction thereof, and to conform to such change the jurisdiction of the county court of Dallas county; fixing the salary of the judge of said court; providing for the appointment and election of the said judges of said court hereby created; providing for the appointment of special judge and filling of vacancies in said office; providing for an official shorthand reporter for said court; providing a saving clause, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

#### BILLS ORDERED NOT PRINTED.

On motion of Mr. Dielmann, House bill No. 80 was ordered not printed.

On motion of Mr. Williamson, Senate bill No. 6 was ordered not printed.

#### PROVIDING FOR PRE-SESSION PAY FOR EMPLOYES.

Mr. Davis offered the following resolution:

Whereas, It was necessary that certain work be done prior to the opening of the session of the Legislature in preparing the Hall and having other necessary preparations made; now, therefore, be it

Resolved, That the following employes be allowed per diem for the number of days herein specified at the same salary as paid for like work during session:

Carl L. Phinney, Chief Clerk, three days.

Joe W. White, Sergeant-at-Arms, one day.

J. T. Hamilton, clerk to Sergeant-at-Arms, one day.

Lawrence Ledbetter, chief operator voting machine, five days.

Miss Maud Nowlin, stenographer, one day.

Miss Louise Snow, secretary to Chief Clerk, two days.

Miss Leone E. Anderson, stenographer, one day.

Mrs. Jack Jackson, stenographer, one day.

Sumner Ramsey, page, two days.

Rufus Polk, porter, one day.

L. Goodman, porter, one day.

H. Scoggins, porter, one day.

Joe E. Johnson, porter, one day.

Milton Nobles, porter, one day.

Ben Wroe, porter, one day.

A. Dukes, porter, one day.

Be it further resolved, That these employes be paid out of the mileage and per diem fund of the House.

The resolution was read second time and was adopted.

#### PROVIDING STAMPS FOR THE APPROPRIATION COMMITTEE.

Mr. Smith of Nueces offered the following resolution:

Resolved by the House of Representatives, That the Committee on Appropriations shall be allowed \$20 for stamps and the Committee on Contingent Expenses be allowed \$10 for stamps, said sums to be paid out of the contingent expense fund of the House.

Signed—Smith of Nueces, Wallace of Freestone.

The resolution was read second time and was adopted.

#### MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, January 21, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

S. C. R. No. 6, Relating to the acquisition by the State of the remaining Alamo property in the city of San Antonio now privately owned.

Respectfully,

JAS. H. THORNHILL,

Assistant Secretary of the Senate.

#### RELATING TO ATTENDANCE OF MEMBERS.

Mr. Boggs offered the following resolution:

Whereas, The Hon. R. B. Stevens, now deceased, but an honored member of the Thirty-ninth Legislature, returned his salary voucher to this body, declining to accept compensation for the days he was absent; and

Whereas, This example of rugged honesty is very commendable; and

Whereas, The members of the Fortieth Legislature will have much work to do during the next few weeks; therefore, be it

Resolved, That every member of the House of Representatives should remember that when the Hon. R. B. Stevens was absent from duty as Representative of his district that he declined to accept

his salary for the days absent; and be it further

Resolved, That each member of the House of Representatives should bear in mind that there is no more "important business" than that of serving your State faithfully, no more important duty than to serve our constituency that elected us, and that we should be present at every meeting, unless sickness of self or family prevents.

The resolution was read second time.

On motion of Mr. Petsch, the resolution was tabled.

#### TO PROVIDE FOR EXTRA COPIES OF THE JOURNAL.

Mr. Young offered the following resolution:

Whereas, The Hon. Dan Moody in his address to the Joint Session of the House of Representatives and Senate of the State of Texas placed before these bodies a most admirable and concrete program of legislation; and

Whereas, This address is of such paramount public importance and widespread interest that it should have the widest possible distribution; therefore, be it

Resolved by the House of Representatives, That the Speaker be authorized to have fifteen hundred (1500) additional copies of yesterday's Journal printed for general distribution by members of the Legislature.

The resolution was read second time.

Mr. Purl raised a point of order on further consideration of the resolution at this time, on the ground that the purpose of the resolution has already been provided for by the House.

The Speaker declined to rule on the point of order, stating that he would leave the matter up to the House for its decision.

Mr. Stout raised a point of order on further consideration of the resolution at this time, on the ground that the time for consideration of resolutions has expired.

The Speaker sustained the point of order.

#### COMMITTEE TO INSTALL AMPLIFIERS.

The Speaker appointed the following committee to work with the Chief Clerk in installing the amplifiers:

Messrs. Sinks, Rawlins, Montgomery, Morse and Williamson.

#### REPORT OF COMMITTEE TO INVESTIGATE CERTAIN STATE DEPARTMENTS.

Mr. Satterwhite, chairman of the committee to investigate certain State departments, submitted the following report, which he read to the House:

Report of the Investigating Committee Appointed by the House of Representatives of the First Called Session of the Thirty-ninth Legislature of the State of Texas.

Hon. R. L. Bobbitt, Speaker of the House of Representatives.

Sir: In accordance with a resolution passed by the House of Representatives of the First Called Session of the Thirty-ninth Legislature, authorizing a committee of House members to make an investigation into the administration of the affairs of the several departments of the government of this State, which resolution is as follows:

#### House Resolution.

"Whereas, Certain suits have been filed and tried challenging the validity of certain contracts let by the Highway Commission of Texas, during the year 1926, in one of which suits a judgment was entered, finding that the contracts in question had been let in abuse of official discretion and for an unconscionable consideration, and in another of such suits the jury found, upon special issues, that there had been probable fraud in the letting of such contracts; and

"Whereas, Facts are known to exist which have created a necessity and a general demand upon the part of the people that the affairs of the State Highway Department be made the subject of an investigation; and

"Whereas, During the past twenty months there have been more than two thousand acts of Executive clemency, including pardons, paroles, furloughs, reprieves and commutations, and there has been a general criticism and condemnation of many of such acts of clemency, and there exists a necessity and a general demand for an investigation into the granting of such pardons, and the facts connected therewith; and

"Whereas, In the matter of letting contracts for books for the use of the school children of Texas, litigation and criticism have been directed towards the conduct of the Text-Book Commission,

and the agencies and influences invoked to affect its action in the performance of books contracts; and

"Whereas, The public interest imperatively demands a thorough investigation of all charges and complaints against the agencies which control or manage the affairs of the State, in whole or in part, to the end that guilt, if guilt there be, be established, mistakes corrected, and reforms had, which will advance and protect the public welfare, as far as is humanly possible; and

"Whereas, The platform adopted by the Democratic Party at its last convention, asked for an investigation of public affairs; and

"Whereas, The Texas Legislature is the only body with proper power to act, investigate, and, by law, to remedy conditions found to be wrong and intolerable, and probably bring to justice those who are guilty of such wrongs; and

"Whereas, The term of this Called Session will be far too short during which to make a proper investigation, report and act, in regard thereto; now, therefore, be it

"Resolved by the House of Representatives of the State of Texas:

"Sec. 1. That a committee of nine members of the House of Representatives be appointed by the Speaker, from among its members, one member of said committee to be the Speaker of the House, whose duty it shall be to conduct an investigation into the administration of highway affairs by the State Highway Commission; to investigate the manner in which the public funds have been expended by the State Highway Commission; to investigate the manner in which contracts have been let by said commission; and generally to investigate all and every act of said commission since said date; the State Treasurer's Department and the Railroad Commission with the view of determining if the State is receiving the full amount due by the oil companies as taxes on gross production of oil, as provided by law; to investigate the granting of pardons, paroles, reprieves and commutation of sentence, and the facts and circumstances connected with the granting of such acts of clemency; to investigate the letting of contracts for the purpose of text-books and the facts surrounding the letting of such contracts; and to investigate into the administration of

public affairs by such other departments of the State government, as in the judgment of said committee may be necessary, and for the promotion of the public good. That the committee shall also make thorough investigation of rumors that have heretofore been current in the public press, of activities of members of the Legislature in any way, in so far as relates to members of the House of Representatives, in the way of practicing before the Board of Pardons and the Highway and other departments of the State Government, and with reference to rumors of their being interested in highway construction and maintenance contracts; and this part of the resolution shall have the immediate attention of said committee, and the committee is instructed to report its findings in these particulars, if possible, during the present session of the Legislature.

"Sec. 2. That said committee shall have power to formulate its own rules of procedure and evidence, and to provide for its own hours of meeting and adjournment. Said committee shall sit in the Capitol at Austin during its sessions. The sessions of said committee shall be open to the public, except at such times as the committee may, by a majority vote, determine to hold executive sessions. The chairman of said committee shall be the Speaker of the House of Representatives, and the committee shall elect its own secretary and employ its sergeant-at-arms.

"Sec. 3. That the committee shall have power to issue process for witnesses to any place in this State and to compel their attendance and the production of books and records; and upon the disobedience of any subpoena, said committee shall have power to issue attachments, which may be addressed to and served by either the sergeant-at-arms appointed by said committee, or by sheriff or any constable of this State. Said committee shall have power to inspect and take copies of any books, records or files of any department or officer, or their appointees or employees, under investigation by said committee, and also shall have power to examine and audit the books of any person, firm or corporation holding a contract or contracts with the State of Texas. The committee shall further have power to administer oaths and affirmations, and to fix the bond of attached witnesses.

"Sec. 4. That witnesses attending the session of said committee under process,



shall be allowed the same mileage and per diem as is allowed witnesses in the trial of criminal cases in the district court.

"Sec. 5. That said committee shall have power and authority to employ and compensate all necessary experts, investigators, attorneys, stenographers, clerks, auditors, and all other necessary employes, and it shall be the duty of said committee to make and keep a record of investigation. The testimony heard by said committee shall be stenographically reported and the same shall be transcribed and reduced to writing. That one of the purposes of this resolution and the investigation is to facilitate the work of the Legislature in this matter, and such record of such investigation and testimony taken shall be printed and furnished by said committee to each member of the Legislature.

"Sec. 6. That said committee may call upon the Attorney General's Department for assistance and advice, and it shall be the duty of the Attorney General's Department to render opinions, give counsel and assistance to said committee upon the request of the chairman or members of said committee.

"Sec. 7. That said committee shall begin its investigation following the adjournment of the present special session of the Thirty-ninth Legislature, and shall have authority to sit after the adjournment of present session of the House of Representatives and continue to make said investigation at any and all times between the adjournment of the present session of the Thirty-ninth Legislature and the convening of the Regular Session of the Fortieth Legislature. The compensation of the members of said committee shall be five dollars per day for the actual number of days of service in performing said duties, and in addition thereto, they shall be entitled to actual traveling expenses and hotel bills incurred in the performance of such duties. That the per diem and expense of the members of said committee, witness fees, and all other expenses incident to such investigation, shall be paid out of the appropriation for mileage and per diem and contingent expenses of the First Called Session of the Thirty-ninth Legislature, upon the sworn account of the persons entitled to such pay, when approved by the chairman of said committee. The sum of \$25,000 is hereby appropriated out of the contingent ex-

pense fund of the House, to meet the expense incident and necessary to the investigation authorized by this resolution. In case of the death or resignation of any member of the committee, or the inability of any member to serve by reason of any cause, the Speaker shall be and is empowered to appoint some other member of the House to fill the vacancy."

#### Committee Report.

We, said committee, beg to file with the House of Representatives of the Fortieth Legislature the following report, together with the sworn testimony of about one hundred and sixty-three witnesses examined by said committee, and such other evidence and documents as have been examined and considered by said committee.

The resolution, as shown above, provided for an investigating committee to be named by the Speaker of the Thirty-ninth Legislature, he to be chairman of said committee, and gave him authority to name the other eight members, which he did, by naming Representatives W. M. Fly, J. H. Wallace, Claud D. Teer, Jno. H. Veatch, W. A. Williamson, Alfred P. C. Petsch, R. A. Powell and W. R. Montgomery, all of whom attended practically all of the meetings of the committee, except Mr. Montgomery, who was excused on account of important personal business affairs.

The committee organized by electing Mr. Fly, Vice-Chairman; Mr. Wallace, Secretary; Mr. Joe White, Sergeant-at-Arms; Mr. J. D. Winder, Assistant Sergeant-at-Arms; Mr. Carl Phinney, Assistant Secretary; Miss Maud Nowlin, stenographer, for the committee.

Judge Richard Critz of Taylor was employed by the committee as chief counsel, with authority to engage an assistant, which he did, by employing Mr. Harry N. Graves of Georgetown. In further compliance with the terms of the resolution, Attorney General Dan Moody named Hon. George Christian, member of the Attorney General's official staff, to aid the committee in its investigations, and these three attorneys were present, and assisted the committee during all of its investigations.

With the organization of the committee complete in the manner above stated, the committee met in the House of Representatives in open session on the 18th day of October, for the purpose

of examining and taking the testimony of witnesses. These open sessions were continued from time to time until one hundred and sixty-three witnesses were examined, and the testimony of each, taken down and transcribed by Messrs. Pickle, Burgher and Bickler, and their assistants, who were employed by the committee as official reporters. Three sets of this evidence have been transcribed for the benefit of the members of the Legislature, and other State officials, who may desire to examine this testimony as recorded. One of these sets has been filed with the Speaker of the House, one with the Governor, and the third is retained by the committee.

As was to be expected, the majority of the testimony developed by the committee had mainly to do with the affairs of the State Highway Department, and the Executive Department, though a good portion of the testimony covers other matters.

While it is true that much of the testimony developed throughout our investigation is general in its nature, and while it is further true that many witnesses, summoned by this committee, have failed to obey its process, yet we have found sufficient facts to justify the appointment of this committee, and the holding of this investigation, and to report to the Legislature of this State that certain State officials, together with the aid and abetment of certain private citizens, have abused the trust placed in them by the public for selfish power and financial gain. Outstanding examples of this fact were found in the Chief Executive of this State, aided and abetted, and practically dictated to, by her husband, and in the Highway Department of this State.

#### Powers of the Committee.

Before entering into a more detailed review of the testimony and evidence obtained by this committee, we desire to call attention, as above stated, to the failure of several important witnesses to respond to a summon to appear before this committee. A list of these witnesses is attached to this report, marked "Exhibit A," and made a part hereof. The fact that it was generally known that the Court of Criminal Appeals has held that under the Constitution of this State, a legislative investigating committee has no authority to punish witnesses for contempt who refuse to obey its process, or to answer questions that might be propounded to them, except

such punishment as may be imposed by the Legislature itself while in session, probably caused many of these witnesses to ignore the process of this committee. Notwithstanding the failure and refusal of these witnesses to obey the process of this committee, we have been able to obtain sufficient testimony to expose the methods and manner in which the power and prestige of the Governor's office, together with the Highway Department, and the other departments hereinafter mentioned, have been handled for political favoritism and financial gain, and against the interests of the people.

The many departments and subjects submitted to this committee for investigation have been too large and varied to cover in the time available, and the testimony has not been printed for the reason that this committee has not had the time to have same done, since it ceased to hold open hearing, and the matter of printing this testimony is left to the judgment of the Fortieth Legislature.

Under the resolution quoted above, this committee was given the power and authority to investigate practically most, if not all, of the departments of State government, but on account of the limited time it has been impossible for us to do so, and we have confined our investigations principally to the investigation of the Executive, the Highway Department, the Prison System, the Board of Control, the State Textbook Commission, and the State Board of Education, and, of course, the investigation of these departments has indirectly led to the investigation of matters involving indirectly other departments of the State government. In this connection, however, we will state that a major part of the testimony submitted has to do with the Highway Department and the Executive Department. For the convenience of those examining this report, we have attempted to divide the same into heads, or topics, but it is impossible to discuss any one department without, in many instances, alluding to its connection with other departments, we must necessarily refer to the one in discussing the operations of the other.

#### Chief Executive.

As before stated, we have not been able to obtain the testimony of all the witnesses summoned by this committee for the purpose of examining into the

affairs, policies and acts of the Chief Executive of this State. However, notwithstanding this failure to secure, as we believe, much valuable information connected with the matters under investigation with reference to the Executive office, yet, we believe that the testimony is sufficient to establish the fact that the power and prestige of the Governor's office of this State, during the years 1925 and 1926, have been practically usurped, and dictated by a private citizen, the husband of the Governor, for political favoritism and financial gain, and the fact that he was a private citizen has placed him beyond the pale of the law. It was never anticipated by any previous law-making body, or by the framers of the Constitution of this State, that such a condition would ever arise; that is, that the Governor's office would so completely come under the power and domination of a private individual, who would take advantage of the opportunity to commercialize this great and sacred public trust to the enrichment of himself, and members of his immediate family, and favorite political friends and supporters. We therefore, now have no law, or laws, to prohibit such usurpation of power by a private citizen. Otherwise, there is no doubt in our minds but that the investigations made by the grand juries of Travis county, and by this committee, would have resulted in the return of indictments for criminal offenses. It is our opinion, further, that the only recourse under our existing laws, is by impeachment for the wrongs done to our State by the Chief Executive under the domination of her husband.

In this connection we wish to state that, in our opinion, it is dangerous to the welfare of free government when political influence is commercialized. The growing tendency for such commercialization in State and Federal government, as well as in minor divisions of our organized government, is appalling, and reflects upon the integrity and intelligence of a free and independent people. No private individual should be permitted to usurp the powers and functions of the Governor of this State, as no private individual should be granted, or permitted, to exercise any special privileges when dealing with those in governmental authority. All should understand and know that they stand upon equal ground, and any attempt to sell or purchase political influence and favoritism should meet with prompt and just punishment.

#### Newspaper Activities of the Governor and Her Husband.

The testimony developed by the committee, together with that developed in the two suits brought by the Attorney General against the American Road Company and the Hoffman Construction Company, show beyond reasonable doubt that shortly after the election in 1924, at which time Mrs. Miriam A. Ferguson was elected Governor of this State, James E. Ferguson, the husband of the Governor-elect, we are unable to say whether with or without his wife's consent, there being no evidence that she opposed, undertook and did develop plans whereby the power and prestige of the Governor's office were used for political and financial gain for himself, his wife, his daughters and favorite political and personal friends. This is clearly shown by the testimony of numerous witnesses before the committee. The first outstanding and bold effort to commercialize the Governor's office came through what was generally known as the "Good Will" edition of the Ferguson Forum, a weekly newspaper, shown to have been then owned, edited and published by James E. Ferguson, his wife, Miriam A. Ferguson, his daughter, Mrs. George S. Nalle and Miss Dorrace Ferguson, also a daughter. This "Good Will" edition was published in two sections, the first on the 18th day of December, 1924, and the second on the 2nd day of January, 1925, shortly after the election of Mrs. Ferguson to the office of Governor, and just prior to the date that she took the oath of office. According to the testimony of many witnesses, and that of Joseph Furst, who was employed by the Ferguson Forum as its advertising solicitor, a list of prospective advertisers, consisting of individuals, firms, private and public service corporations, road contractors, road equipment dealers, railroad and oil companies, banks, insurance companies and many other firms and corporations, were addressed a personal letter signed by James E. Ferguson, the husband of the Governor, or Governor-elect, as the case might be, and these individuals and corporations were called upon to contribute money under the guise of advertising in this "Good Will" edition. Road contractors, road equipment and material dealers, railroad and other public service corporations, insurance companies, oil companies, and many other private and corporate interests were the largest contributors of this plan of advertising. It is shown that no par-



ticular amount was required, or solicited, but the testimony shows that those who did contribute, did so in sums from one hundred dollars up to one thousand dollars. The manner of soliciting contributions for this special "Good Will" edition shows very clearly that the Fergusons were the owners of the Ferguson Forum, and were soon to take possession of the Governor's office, and such was the one great impelling power that caused many, in fact practically all, of the contributors to pay their money for a scheme of this kind.

In order to show the methods used, we quote from the testimony from W. Broadnax, one of the owners of the American Road Company, which indicated very clearly the methods used, and the purpose and intent of both the purchaser and seller of the advertising. Mr. Broadnax stated that when Mr. Furst, advertising solicitor for the Forum "Good Will" edition, visited his office in Dallas, the following conversation took place. After introducing himself to Mr. Broadnax, Mr. Furst said:

"The Governor and James E. Ferguson both have known you. You have been friends all your life."

Mr. Broadnax: "Is that so?"

Mr. Furst: "Mr. Broadnax, I am getting out a 'Good Will' edition of the Forum. I understand you people gave twenty thousand dollars to the Ku Klux. We are going to bury the hatchet, and get together and put this good road campaign over, and have lots of money to build good roads. I don't mean to say by this, that you are going to get contracts, but if you will advertise, you will get work, and everything will be on the square." (See page 257 of the transcribed testimony.)

Many thousands of dollars were collected by the Ferguson Forum, as the result of these two editions. (See testimony of Mr. Furst.)

As a further evidence of the fact that the office of Governor of this State was commercialized by the sale of advertising in the Ferguson Forum, we call attention to the fact that after Miriam A. Ferguson was elected Governor, then being a part owner of this paper, that the Ferguson Forum was receiving funds from individuals, road contractors, and others interested in selling the State road material and equipment, contributing from one hundred to twenty-five hundred dollars under the guise of advertising in this paper, advertising purported to be in payment of one page in the Forum to run once a week for fifty-two weeks, boosting good roads.

Another page in the Ferguson Forum, under the head of "Texas Builders" was similarly paid for by railroad corporations, oil companies, bankers and public service corporations. The amount of money paid for these two pages, we are not able to give accurately, but the testimony is sufficient to show that it amounted to thousands of dollars. At the same time the Fergusons were obtaining money from the above named persons and corporations in the manner above shown, many of them were collecting thousands of dollars from the taxpayers of this State in the way of highway contracts, freights, etc.

As shown above this lucrative scheme of advertising began just as Miriam A. Ferguson was elected Governor, and just before she took the oath of office in January, 1925, and continued long after she became Governor of Texas. An examination of the Ferguson Forum prior to Mrs. Ferguson's election as Governor, will show that it carried a very limited amount of advertising, but after her election, this paper secured an enormous amount of advertising, paid for at fabulous rates. In fact, there was no stipulated rate fixed for the advertising above discussed, only the ability and willingness of the person or corporation to pay.

As shown above, when Mr. Furst solicited this advertising he was introduced by a personal letter, written on Executive letter heads, from James E. Ferguson to the prospective advertiser. At that time, that is, after Miriam A. Ferguson become Governor, James E. Ferguson completely dominated her acts, and the acts of the Highway Department of this State, and also the State Textbook Board, and it was well known to the prospective advertisers that they were advertising with the persons who dominated and controlled the above departments of this government, together with a more or less dominance over the prison system of the State.

This committee condemns in unmeasured terms the use of the Governor's office for the private gain and enrichment of the Governor, her husband, and her two daughters, in the manner above shown.

Railroad Employment of James E. Ferguson, Husband of the Governor.

On the 31st day of December, 1924, just prior to the inauguration of Mrs. Ferguson as Governor of Texas, according to the testimony of W. T. Eldridge, who at that time owned extensive rail-



road and corporate interests in this State, and also according to a written contract signed by James E. Ferguson, the husband of the Governor, the said James E. Ferguson was employed by the said W. T. Eldridge as his personal representative for the year 1925, for which he paid Mr. Ferguson ten thousand dollars in cash, in advance, and the contract called for all traveling expenses, when engaged in Mr. Eldridge's service, and it is further shown that Mr. Ferguson was given free passes over many railroad lines in this State, and that he held and used these passes for practically a year after his wife became Governor, and while he, James E. Ferguson, was practically dominating the office of Governor of this State, and exercising all the powers of Governor in his wife's name. According to the written contract, Mr. Ferguson would not be called upon to do more than five days of service each month. According to the further testimony of Mr. Eldridge, his principal purpose in employing Mr. Ferguson, was to have him make speeches in certain communities where Mr. Eldridge hoped to extend his lines of railroads. It was also shown by Mr. Eldridge's testimony, that at the time this contract was entered into with Mr. Ferguson, there was an unfilled contract between Mr. Eldridge and the penitentiary system of Texas, over which there had been some controversy as to the proper settlement of same, said contract involving a sale of 5,635 acres of land, teams, and implements during 1909 by Mr. Eldridge to the Prison Commission of this State. It is further shown that the consideration for this contract was \$160,000 and that the State was to sell Mr. Eldridge on certain fixed prices and terms, all cane grown on 2,250 acres of land over a period of ten years. It was shown that this cane contract had led to considerable discussion and controversy during previous administrations, and that it was then uncompleted, and according to the testimony of Mr. Eldridge, still had two years to run before completion on the part of the Prison Commission. (See Eldridge's testimony, page 1623, transcribed report.)

We believe that a careful reading of the contract, and of Mr. Eldridge's testimony, will show that there was no legitimate employment between James E. Ferguson and W. T. Eldridge, but that the contract involved a pure purchase and sale of executive influence, and

thereby was a purchase and sale of the powers and prestige of the Governor's office of this State to railroads and corporate interests, and interests adverse to that of the State.

#### Governor's Daughter as Liability Insurance Agent.

The testimony will further show that Mrs. George S. Nalle, the daughter of Governor Miriam A. Ferguson, and her husband, James E. Ferguson, acted as agent of the American Surety Company in making the bonds of road contractors, and of public officials, and other contractors, in whose work the State was interested, as will be more fully shown in the discussion of highway affairs.

#### Pardons.

Not in the history of organized government of our beloved State has there been such a disgraceful disregard for the proper and just punishment of criminals, and the safeguard of the people and property of his State, as has been shown by the Governor of Texas, in the past two years of her indiscriminate and super-liberal pardoning policy. We do not believe, and we think the testimony in the record will bear us out in saying, that this policy cannot be charged to the feminine sympathy of a woman Governor. The limited testimony secured from witnesses, and an examination of the records in the office of the Secretary of State, show that practically all of the pardons granted, were the result of recommendations by James E. Ferguson, who exercised the power and authority of Governor of this State, in matters pertaining to pardons, as well as all other matters. It appears that the principal thing that the Governor had to do was to sign her name on the dotted line, and there is testimony to show that pardons have been granted in which James E. Ferguson actually signed the Governor's name. This committee will not undertake to say that all of the more than three thousand acts of executive clemency by Miriam A. Ferguson were not meritorious. Many of them, no doubt, were; but it is an indisputable fact that many of them were not. It is further an indisputable fact that many of the most notorious criminals in the penitentiary, such as murderers, rapists, robbers, and men guilty of every crime denounced by the criminal statutes of this State have been given

freedom, and restored to citizenship, and many criminals have been pardoned before they could even reach the penitentiary, and before they were re-arrested after their cases had been affirmed in the higher courts.

The testimony shows that in the granting of these pardons, that very little, if any, attention has been paid to the merit of individual cases. In numerous cases, the pardons have been granted at the solicitation and request of attorneys who were favorite friends and political supporters of the Governor and her husband, and we believe that the evidence taken as a whole, justifies us in saying that for the purpose of enabling the attorneys to collect fees. In this connection, we will state that one very prominent attorney, Mr. B. Y. Cummins, of Wichita Falls, a close personal and political friend of James E. Ferguson, and who had secured a number of pardons, stated under oath to this committee, that he considered it perfectly proper for the Governor to grant pardons to the clients of attorneys who were friends of the Governor, and such friendship was a sufficient reason for the granting thereof. The testimony of Mr. Walker Sayle, and of two of the chaplains of the penitentiary, further shows that in the granting of pardons by the Chief Executive of this State, that practically no attention was paid to the record of the convict in the penitentiary, that many of the worst convicts in the penitentiary, and those with the worst prison records, have been pardoned while many other pardons recommended by the management of the penitentiary have been ignored. The testimony of these witnesses further shows that this policy has resulted in lowering the morale of the convicts, and has resulted in making the discipline of such convicts more difficult for those in charge. The practice of the Executive office of this State, under the domination and control of James E. Ferguson, as the end of the present administration draws near, of promising and agreeing to grant pardons even before the courts have ceased to exercise jurisdiction over the case, is undermining the very fabric of this government, in so far as the enforcement of the criminal laws of this State is concerned, and is bringing our courts and our government into disrepute. It is shown by the testimony that many and numerous cases have been dismissed in the Court of Criminal Appeals, while pending

therein, and motions for rehearing have been withdrawn prior to the time that the court finally acted on said cases, on the implied promise of the granting of a pardon. All this is done in order that the Governor might pardon the accused before the term of her office expires.

The committee has summoned several witnesses for the purpose of making inquiry into the pardoning affairs, but on account of the fact that attorneys who collected such fees, and the families of those who have been pardoned, are reluctant to give testimony with reference thereto, many of these witnesses have failed to obey the process of this committee, but enough evidence has been collected to show that it has been a source of great profit to many attorneys in this State, and that the merit of the several cases has had little consideration in the mind of the Chief Executive or her husband.

#### Penitentiary Affairs.

This committee has had a very limited time in which to examine into the affairs of the penitentiary system of this State, but our limited investigation shows that the penitentiary system of this State is in a deplorable condition financially, and hopelessly in debt. In this connection, we will submit to you the following statement, which shows the financial condition of the penitentiary system of this State, on January 1, 1927, the December expense account being estimated as well as cotton and cottonseed products on hand December 20, the report being furnished the committee by Chairman Sayle of the Prison Commission.

Bills payable, current, due November 1, 1926.....	\$ 13,931.28
Bills payable, renewals, due February 19, 1927.....	614,020.77
Bills payable, current, due February 19, 1927.....	73,226.69
Bills payable, land notes, due December 21, 1926, December 31, 1926, and January 1, 1927.....	61,428.55
Interest on land notes.....	19,739.27
Interest on current notes to February 19, 1927.....	960.00
Interest on notes renewed to February 19, 1927....	11,155.00
Accounts payable .....	8,676.35
Total .....	\$ 803,137.91

Cotton on hand—1390 bales cotton at \$52 per bale, estimate, \$72,280; cotton to be picked—200 bales cotton at \$50 per bale, estimate, \$10,000; from cotton seed products estimate, \$57,000; miscellaneous receipts, estimate, \$1,000; cash on hand, \$150,339.63 .....\$ 290,619.63

\$ 512,518.28

Estimate expenses for December, 1926, payroll, \$28,000; supplies and sundries, \$65,000 .....\$ 93,000.00

Estimate total deficit to January 1, 1927.....\$ 605,518.28

Estimate amount required to operate the system from January 1, 1927, to September 1, 1927, based on an average of expenditures for this period during 1926. This estimate is based on the theory that there will be as many inmates during the 1927 period as there were during the same period in 1926, eliminating all extra or emergency expense.....\$ 874,000.00

Total estimated amount required to operate the system to September 1, 1927. This amount makes provisions for all expenses and all notes due prior to September 1, 1927, but does not include any obligation maturing after this date.....\$1,489,518.28

This testimony taken before this committee shows that Mr. O'Rourke, the secretary of the Prison Commission, permitted and was principally responsible for two very disgraceful affairs, when he had as his guests several men who were intoxicated and drunk while witnessing the electrocution of four negroes. It is shown by the testimony of the Rev. Watson, one of the penitentiary chaplains, that the behavior of certain men who were present as the guests of Mr. O'Rourke at these executions was a shame and disgrace. It is shown that Mr. O'Rourke, himself, was intoxicated, and that the occasion

of the taking of these human lives was made a time of revelry and jest. In this connection, we would state that the retention of Mr. O'Rourke in the management of the penitentiary system has been over the protest and against the wish of Mr. Walker Sayle, chairman of the Prison Commission. The testimony further shows that this same man, Mr. O'Rourke, while acting as secretary of the Prison Commission, has collected money from prisoners, for the purpose of securing furloughs and pardons, such amounts ranging from one hundred to three hundred dollars. We condemn this act of any representative of the State government, and especially of the officers and employes of the penitentiary system, in using the powers of the office to extort or secure money for any purpose from the unfortunate inmates of the State penitentiary.

Your committee attempted to make a personal inspection of the penal institutions of this State, and to that end visited, in a body, what is known as the "Blue Ridge Farm" and the "Imperial Farm," but were prevented on account of rain and bad roads from making an extensive investigation of either of those farms, and from making any investigations of any of the other penal institutions.

It is our opinion, from the testimony taken, that there is practically no effort made in any of the penal units of this State to reform the prisoners, other than the little work that can be done by the chaplain, who seems to receive very little support, though no opposition from those in charge. (See testimony of the two chaplains.)

We are further of the opinion, and think that the testimony warrants us in saying, that the penitentiary system of this State has been honey-combed with incompetency, graft, and, in many instances, plain theft. The testimony before us shows that the property of the prison system, especially that on the farms, has been stolen in wholesale lots, and that the thieves have gone unpunished and undiscovered, and very little if any effort has been made to discover them.

We would not pass over this subject without stating that one of the prison commissioners, Capt. Walker Sayle, has shown every effort and disposition to aid this committee in working out and ascertaining the true facts with reference to our penal system, and we believe that he has made a true and honest effort to discharge, and that he has dis-



charged, the duties of his office with honor to himself and credit to the State.

We find the penitentiary system of this State financially involved, and hopelessly in debt, and the only way for it to possibly meet its present past due financial obligations is by an appropriation by the Legislature.

The affairs of the penitentiary system have been before practically every Legislature that has met in recent years. Under the present condition, it is a hopeless financial failure, and unless something is done to remedy existing conditions, it is our opinion that it will be necessary for each succeeding Legislature to appropriate money to supplement its income as long as it is maintained under present conditions. We offer no recommendations and solutions to this matter, but leave it to the wise judgment of the Legislature of this State.

#### Board of Control.

Your committee, in a limited way, has investigated the Board of Control of this State, and its methods of transacting its business. It is our opinion that the powers of the Board of Control should be more clearly defined by the Legislature.

We find that the Highway Department has, through subterfuges, ignored the Board of Control in the purchase of supplies for that department, as will be more fully shown in the discussion of the Highway Department. It is our opinion that an evasion of the powers of the Board of Control by heads of the departments of the State government, should be made a criminal offense.

#### Courts.

We have requested and secured from the clerks of the several Courts of Civil Appeals of this State, and also the clerks of the several district courts, reports showing the amount of business transacted in the several Courts of Civil Appeals, and in the district courts of the different counties. We believe that these reports justify us in saying that we have more Courts of Civil Appeals than are necessary to properly and expeditiously transact the business coming before them. We further believe that the reports of the several district clerks justify us in saying that many of the district courts in this State have not sufficient business to transact to keep them reasonably busy, while others are overcrowded.

We file the above mentioned reports with this report for the inspection and information of the Legislature.

We condemn the system of Civil Appellate Courts in force in this State, as expensive and cumbersome, and fruitful of unreasonable delay in the final decisions of cases. We believe that our Constitution and laws should be so amended as to simplify our civil appellate system and make appeals of civil cases in this State less expensive and cumbersome to litigants, and so that appeals will be finally adjudicated without unnecessary and unreasonable delay.

#### Department of Education.

This committee, in a limited way, has investigated the educational affairs of this State, only so far as same applies to the Free Textbook Commission, and the Board of Education.

#### Free Textbook Contracts.

In the matter of letting contracts for the purchase of free textbooks for the public schools of this State, the same dominating influence of a private individual, the husband of the Governor, prevailed, as has prevailed wherever the Chief Executive office has come in contact with the governmental affairs of this State. The testimony of the president of the University of Texas and that of the State Superintendent of Public Education, very clearly shows how the husband of the Governor practically dominated and controlled the selection of the Textbook Commission, and of the State Board of Education of this State.

The law provides for a commission composed of the president of the University of Texas, the president of the A. and M. College, the president of the College of Industrial Arts, the president of the Southwest Texas State Teachers College, and the State Superintendent of Public Instruction, to nominate thirteen reputable teachers and two business men, a list of fifteen, to be given to the Governor, and from this list the Governor must select and appoint six teachers and one business man, who, with the Governor and the State Superintendent of Public Instruction, compose the State Textbook Commission.

The president of the University of Texas, Dr. Splawn, testified before this committee that some time prior to the time the fifteen names were selected in June, 1925, and submitted to the Governor, he, the president of the University, requested James E. Ferguson, the hus-



band of the Governor, to give him a list of names, that he, James E. Ferguson, wished to have appointed on the Textbook Commission, and that James E. Ferguson did hand to Dr. Splawn, the president of the University, a list of names that he desired to have suggested. Further investigation shows that most of those suggested by the husband of the Governor were named on the Textbook Commission. We think that it was the purpose of the law in requiring the State Textbook Commission to be appointed, or selected, from a list of names nominated as above indicated, to circumscribe the power of the Governor in appointing this commission, and to give to him the aid and assistance of men familiar with school affairs, and competent to judge the educational qualifications of the members of the commission. We think that the heads of the educational institutions which are given the power, under the law, to select a list of fifteen, from which the State Textbook Commission of seven members is to be appointed, should refrain from receiving any suggestions from the Executive Department in selecting the list of fifteen, and we do believe that this practice should be prohibited by law. We further believe that the Governor should refrain from, in any manner, attempting to influence the selection of the list of fifteen, but should confine himself to the appointive power given him under the law.

The undisputed evidence before this committee shows that James E. Ferguson, the husband of the Governor, had himself elected clerk of the State Textbook Commission, a position not provided for by law, the law already providing that the State Superintendent of Public Instruction should be ex-officio secretary of this board. The testimony further shows that in the letting of contracts for free textbooks for the public schools of this State by the State Textbook Commission, of which the Governor is, by law, the chairman, that the rights and interests of the schools have been ignored. In the letting of contracts for spellers, the State Textbook Commission, dominated and controlled by James E. Ferguson, awarded to the American Book Company a contract for spellers, and at a price higher than the same books can be bought at retail by private individuals. The testimony indisputably shows that these spellers are sold to the State five cents per copy higher than the American Book Company, to whom the contract was

let, retails them in Cincinnati, its home office. It is further shown that these books can be sent by mail, one at a time, at four cents per copy, or one cent cheaper than the State is paying for them in enormous quantities. These books are actually shipped by freight in large lots, and the expense of shipping by freight in large quantities is much cheaper than by mailing. In other words, the State Textbook Commission, dominated and controlled by James E. Ferguson, is paying more for spellers in enormous quantities than the same book can be bought at retail, one copy at a time, and shipped to Texas by mail. The testimony further shows that the State Textbook Commission selected the highest priced spellers offered to them.

It is shown by the testimony before the committee, that it has been the practice of representatives of book companies to have private interviews with the several members of the State Textbook Commission, prior to the adoption of such textbooks. We do believe that this practice should be prohibited by law, and that the representatives of the book companies should be required to present their claims to the commission as a whole, in open hearing, and that private interviews and presentation of claims to the several members of the board should be prohibited by law.

#### Board of Education.

Under the present law, the Governor, the Comptroller and the Secretary of State constitute the Board of Education of this State. The Secretary of State is appointed by the Governor, and the records in the Department of Education will show that the Secretary of State has always voted in accord with the wishes and policies of the Governor. We do not believe in an ex-officio Board of Education, and we recommend that the Constitution of this State be changed so that the Board of Education may be selected in some manner to the end that its members may be chosen or selected on account of their peculiar fitness to discharge the duties of this important office.

#### Live Stock Sanitary Commission.

Your committee, in a limited way, has investigated the Livestock Sanitary Commission, and especially with reference to the payment of claims on account of the foot and mouth disease in Harris and other counties in that section of the State. We find that this outbreak was very expensive to the

State, and if there is any way that recurrence can be prevented, it should certainly be done. We find that many of the citizens were compelled to pay twenty-five per cent of their claims as collection fees. We believe that such a condition is unjust, and that those with just claims against the State should not have to pay one-fourth to collect what the State honestly owes them.

We found an irregularity in this department, which consisted of the sale of dip belonging to the State, and the using of the proceeds to take up State deficiency warrants in this department. Of course, this was illegal, as the proceeds of the dip should have been placed in the State Treasury, and the deficiency warrants collected in the manner provided by law. We condemn this practice.

#### Members of the Legislature Practicing Before the Highway Department.

The testimony shows that it has been the practice of members of the Legislature to appear before the Highway Department in the interest of private contractors. We wish to condemn this practice, and recommend that it be prohibited by law.

#### Highway Department.

As was to be expected, the major part of the testimony developed by this committee had to do with the affairs of the State Highway Department, and the connection of the Executive, through the husband of the Governor, with highway affairs. In this connection, we further state that the testimony developed before this committee, out of the mouths of numerous witnesses, justifies us in reporting to you, that the members of the Highway Commission, together with the aid and abetment of the Chief Executive of this State, through her husband, a private citizen, have wantonly, recklessly, and fraudulently dissipated millions of dollars of the highway funds paid by the taxpayers of Texas.

Following the inauguration of Mrs. Ferguson as Governor, in January, 1925, it became the privilege of the Executive to appoint three Highway Commissioners, whose terms of office began on the 15th day of February, 1925. Frank Lanham of Dallas, Joe Burkett of Eastland, and John H. Bickett of San Antonio, were the three new Commissioners appointed and who qualified and assumed the duties of office on the 15th day of February, 1925. In March of that same year Frank Lanham, as chairman of the

Highway Commission, entered into an agreement with W. Broadnax and E. S. Heyser, and associates, who later organized the American Road Company, to maintain certain roads, and to cover certain other roads with an asphalt topping, involving a total of about four million dollars to be paid out of the State highway fund. The price agreed upon between Mr. Lanham and the said Broadnax, Heyser and associates, was such as to give the contractor a net profit of about sixty-five per cent. Shortly following this agreement, another agreement was entered into between the Highway Commission and the Hoffman Construction Company, aggregating more than two million dollars. In this connection, we might say, that soon after the commission organized in February, 1925, the three commissioners, by agreement among themselves, and not by any authority of law, divided the State into three districts, one district for each member. The first agreement entered into was in the district assigned to Mr. Lanham, and the second agreement entered into was the district assigned to Mr. Burkett. These contracts, or agreements, were entered into without publicity, or advertisement, and there was no competitive bidding, and no bond to guarantee faithful performance, and thus more than six million dollars of the people's money was awarded to these two firms, or companies, without competitive bids, and practically in secret. Had these particular contracts been let to the lowest and best bidder, there is no doubt that the same work could have been bid in at a price practically one-third that paid by the State. Along about this same time, other contracts were being negotiated and let to many different individuals and road construction companies, covering smaller districts, and involving a total of one hundred and twenty-two counties, for the maintenance of roads in these counties. In the letting of these contracts, the same methods were followed as were followed in the agreements with the American Road Company; that is, a district was formed, composed of one or more counties, and a certain sum of money was agreed upon to be paid to the contractor for a period of twelve months, said amount to be paid in twelve monthly installments, regardless of the amount of work done by the contractor. Many of these contractors had never before had any road experience, and many of them had never been in the road contracting business before, but were political friends and supporters of James E.

Ferguson, the Governor's husband. The undisputed evidence of numerous witnesses shows that enormous profits were made by these contractors. All of these later contracts were entered into without any competitive bidding, and from all the evidence it is clearly shown that the State did not receive more than thirty-five cents out of every dollar in work or material on the public highways. In this connection, however, we are glad to state that the Attorney General of this State brought suits against the American Road Company and the Hoffman Construction Company to cancel their contracts, and that these suits resulted in the successful enjoining and cancellation of these contracts, before their completion, and the return to the State Treasury, and the highway fund of this State, of more than a million dollars.

The testimony of numerous witnesses shows beyond a doubt that James E. Ferguson, the husband of the Governor, absolutely dominated the affairs of the Highway Commission of this State while Lanham, Burkett and Bickett constituted the Highway Commission. But in this connection we should state that the evidence before us shows that during all this time, Commissioner Bickett was sick, and took no part in the awarding of these contracts, and we exonerate him personally for any blame therefor. The evidence shows that James E. Ferguson sat with the commission during all of its meetings, just as though he were a member thereof, and that though a private citizen, he dominated and controlled every act of the Highway Commission. The testimony further shows that the Governor used every power at the hand of the Executive of this State to hamper the efforts of the Attorney General to forfeit these road contracts, and protect the taxpayers of this State, and that she even went to the limit of employing private counsel out of the law enforcement fund of this State to go into the district court in an effort to prevent the Attorney General from forfeiting these iniquitous contracts. As an evidence of the fact that James E. Ferguson dominated and controlled the office of Chief Executive of this State, and also dominated and controlled the highway affairs of this State, we cite the testimony of John M. Cage, who was appointed as successor to Commissioner Burkett, to the effect that he was made to promise to resign at any time he might be called upon to do so by the Governor, at the time he was appointed. The testimony of Mr. Cage further

shows that the second topping contract on the four hundred miles of road topped by the American Road Company was largely under the dominating influence of James E. Ferguson. (See Cage's testimony, page 2080, transcribed report.)

As above indicated, under another subhead, it is shown by the testimony of numerous witnesses who obtained contracts under the Highway Commission, that the daughter of the Governor of Texas acted as agent of one of the largest liability insurance companies, doing business in this State, the American Surety Company, and that the majority of contractors obtaining contracts with the Highway Commission, made bond with this company, the daughter of the Governor, Mrs. George S. Nalle, acting as the agent. In this connection, we will state that it is further shown that the officers in the penitentiary system made bond through the same agency, and that these premiums with the Highway Department amounted to many thousands of dollars. We are not able to say just what Mrs. Nalls, the agent, made in commissions, but the evidence warrants us in saying that her business was very lucrative, and probably amounted to a good many thousands of dollars.

After the Attorney General of this State obtained judgment against the American Road Company, Commissioners Burkett and Lanham resigned, and John M. Cage and Hal Moseley were appointed in their stead. It is clearly evident from the testimony that Commissioner Cage did not submit to the domination of Mr. Ferguson, except in the awarding of the retopping contracts, and that Mr. Ferguson did not desire to keep him longer. Mr. Cage answered the summon of this committee and testified. Mr. Moseley did not answer the summons, and we presume we are justified in saying that he thereby indicated that he was not willing to give an account of his stewardship to the people of Texas.

Prior to June, 1925, we had no law in force in this State compelling the Highway Department to let contracts at competitive bids. We now have such a law in force, and we believe that its effects have been salutary.

The present Highway Commission is composed of Messrs. Eugene T. Smith, Scott Woodward and George P. Robertson. The testimony shows that James E. Ferguson has not openly sat with the Commission in the Highway Department since Lanham and Burkett re-



signed, but his influence and attempt to dictate its policy has never ceased. (See testimony of State Engineer Love.)

#### Bell County Experimental Road.

In the building of the Bell county experimental road, the dominating influence of James E. Ferguson, the husband of the Governor, is again seen. In the building of this road, the funds of the State Highway Department were heavily drawn upon, and we think personal favoritism was shown. The testimony shows that one S. B. Moore, who owns a patent on this type of road and bridge construction, was interviewed by James E. Ferguson, and arrangements made for him to come with the Highway Department and build for said department some of this type of road. The supposed purpose for the building of this road, was to demonstrate a durable type of road that can be built cheaper than other types of permanent road construction. The plan on which this patented road is constructed, consists of four brick surface runners, sixteen inches in width, laid on top of a concrete base, the fill between these runners being built in an oval shape with a center several inches higher than the surface of the brick runners, the fill-in material consisting of asphalt and crushed rock, or gravel. We found that twenty-one miles of his type of road is under construction in Bell county, and yet its entire cost, with the exception of about four thousand dollars paid by Bell county in preliminary engineering work, etc., is being paid and is to be paid out of the maintenance funds of the State Highway Department, while other counties building permanent highways, must bear from one-third to one-half of the cost of such permanent roads.

According to the testimony of S. B. Moore, the engineer and patentee of this road, he first talked to James E. Ferguson, and later entered into a contract with the Highway Department, to get a consulting engineer, for the building of this experimental road in Bell county. Under this contract, he received \$375 per month and a personal expense account, which averages about \$100 per month, to supervise the construction of this road. The contract work for the construction of the road was let to Mr. F. L. Dennison, of Bell county, at cost plus ten per cent. The building of the road began in April, 1925. The first five miles was completed in December, 1926. The remaining sixteen miles is expected to be finished some time during

the year 1927. The first five miles is built from the corporate line of Belton to the corporate line of Temple, and the average cost, including bridges and culverts, exceeds \$45,000 per mile. Mr. Moore stated to this committee that the other sixteen miles was estimated to cost, when complete, \$30,000 per mile, these sixteen miles being built on a much cheaper plan than the first five miles. The total, therefore, for the construction and building of this twenty-one miles of experimental road in Bell county, will aggregate more than \$700,000, all of which is being paid for out of the highway funds of this State, and the county is paying nothing, except the four thousand dollars above indicated. (See testimony of Mr. Moore, page 1902 transcribed report.)

This committee drove over this road, that is, the part of same completed, and found it very uncomfortable, and that its cost is equal to, if not more, than that of the highest type of road construction. We believe that there are two main ends to be attained in building roads, viz: durability and comfort to the driver and those who have to use the road. We found this road very uncomfortable to drive over, and on account of the fact that a car has to be kept in the narrow runners, that a driver is kept on a constant tension to keep the car on the runner. We condemn this road as impractical, expensive and uncomfortable. We condemn the expenditure of the funds used in its construction as unwise and unfair. We condemn the method of letting a contract of this size at cost plus ten per cent, the contractor taking absolutely no risk, and a premium being placed on making a road as expensive as possible. We do not accuse the contractor of having done this. We have no evidence that he has done so, but such a contract on the part of the Highway Commission involving a sum totaling \$700,000 is certainly against public policy, and in general practice would prove very expensive to the State.

In this connection, this committee wishes to state that it does not want to be understood as criticising experiments in road building, in order that the most practical and economical type of road and material may be developed, but when such experiments are made, one or two miles should be used for a demonstration, instead of building twenty or more miles in some favored county at the expense



of the State, while other counties must pay from one-third to one-half of the cost of permanent roads when designated by the State Highway Commission. Also when a patent is involved, the State should always secure the right to use the patent before the demonstration is made. Should the Bell county experiment prove satisfactory, and we are frank to say that we do not think it has, the State could not build any more of this road, without the consent of the owner of the patent, and without paying him such royalty, as he might demand.

#### Highway Employees.

We find that the same dominating influence of James E. Ferguson, which he exercised over the Highway Commission in the letting of contracts, prevailed in all other affairs of the Highway Commission, and especially in the naming of its employees. The testimony shows that the men placed in charge of the supervision and maintenance of the State highways of this State were chosen without reference to their fitness or qualifications, but that men were discharged, who were experienced in road affairs, and their places filled with political friends of James E. Ferguson without consulting with the Engineering Department, many of them absolutely unfit and unqualified to discharge the duties of their position, and that this condition now exists throughout the State.

The testimony before this committee, and the common knowledge of the people of this State who use our highways, is to the effect in the past two years, they have deteriorated to the extent of millions of dollars, and that this condition has been brought about by the incompetency and graft in the Highway Department of this State.

The testimony shows that the law requiring State automobiles and State road equipment, to be branded with the highway signs, has been largely ignored by the Highway Commission of this State, and its agents and employees.

#### Highway Commission Ignores Board of Control.

The testimony of the members of the Board of Control, Messrs. Harrington, Walthall and Tennant, shows that the Highway Commission of this State has often ignored the law, providing for purchases to be made by the Board of Control, and that where the Board of Control

refused to submit to the domination of the Highway Commission, in the letting of contracts, and refused to let contracts to the high bidder, that the requisitions would be withdrawn and the Highway Commission would let the contracts and purchase material amounting to large sums, by making a fraudulent rent contract for so many months with the understanding that the article rented, would belong to the State at the end of the rent period. Such practice is an evasion of the law, and should be prohibited.

#### Financial Report—Committee Expenditures.

The following is an itemized statement of expenses by the committee:

##### Members—

Lee Satterwhite, chairman, \$749.26; W. M. Fly, \$455.25; Alfred P. C. Petsch, \$328.90; Robert A. Powell, \$426.97; Claude D. Teer, \$399.59; John H. Vestch, \$353.15; John F. Wallace, \$333.00; W. A. Williamson, \$434.28; Balance to Dec. 18, 1926....\$ 3,479.40

Attorney—Richard Critz, fee and expenses..... 3,022.89

##### Clerks, Stenographers and Sergeant-at-Arms—

Carl Phinney, assistant secretary, \$418.50; Joe White, sergeant-at-arms, \$338.00; R. D. Winder, assistant sergeant-at-arms, \$199.62; Maud Nowlin, stenographer, \$480.00; John Ward, audit work, \$155.00; Ruby Redmond, clerical work, \$15.00; balance to Dec. 18, 1926.... 1,606.12

Stenographic report of testimony..... 1,782.80

Western Union Telegraph Co., \$36.74; Southwestern Bell Telephone Co., \$288.43; Balance to Dec. 18, 1926..... 325.17  
Ernest & Ernest, auditors.... 996.50  
E. L. Steck Company..... 187.60  
Newspaper subscription..... 8.50  
Witness fees and per diem.... 2,276.11

Grand total.....\$13,685.09

#### General Remarks.

The testimony taken by this committee has not been printed, and we leave the matter of printing the same with the Fortieth Legislature, but we advise that such testimony ought to be printed,

and preserved as a permanent record for the Legislature and the people of Texas.

Further, as before stated, the witnesses whose names are attached, have refused to obey the process of this committee, and we have been forced to leave the matter of further investigating and summoning these witnesses while the Legislature is in session, to the discretion of the Fortieth Legislature.

We have discharged the duties delegated to us by the Thirty-ninth Legislature to the best of our ability. We have had but one end in view, that is, to develop the truth.

Respectfully submitted,

SATTERWHITE,  
Chairman;

FLY,

Vice-Chairman;

WALLACE of Freestone,  
Secretary;

TEER,  
WILLIAMSON,  
POWELL,  
VEATCH,  
MONTGOMERY.

Exhibit "A."

The following witnesses summoned to appear before the committee refused to obey process:

Jas. M. Bailey of Houston, J. M. Johnson of Houston, Reuben Loftin of Henrietta, Dwight Lewelling of Dallas, Hal Moseley of Dallas, Charlie Hurdleson of Austin.

(Pending the reading of the report Mr. Loftin occupied the chair temporarily.)

RECESS.

On motion of Mr. Wallace of Freestone, the House, at 12:55 o'clock p. m., took recess to 3 o'clock p. m. today.

#### AFTERNOON SESSION.

The House met at 3 o'clock p. m. and was called to order by the Speaker.

#### HOUSE BILL NO. 27 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 27, A bill to be entitled "An Act to amend Article 9, Title 1, of the Revised Civil Statutes of 1925, and declaring an emergency."

The bill was read second time.

Mr. Cummings offered the following amendment to the bill:

Amend House bill No. 27, line 19, word 10, to read "made" instead of "male."

The amendment was adopted.

House bill 27 was then passed to engrossment,

#### HOUSE BILL NO. 30 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 30, A bill to be entitled "An Act to amend Article 2162 of Chapter 8, Title 42, of the Revised Civil Statutes of 1925, and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### HOUSE BILL NO. 33 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 33, A bill to be entitled "An Act to amend Article 2274 of Chapter 12, Title 42, of the Revised Civil Statutes of 1925, and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### HOUSE BILL NO. 38 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 38, A bill to be entitled "An Act to amend Article 3654 of Chapter 26, Title 54, of the Revised Civil Statutes of 1925, and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### HOUSE BILL NO. 40 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 40, A bill to be entitled "An Act to amend Article 3874 of Title 60 of the Revised Civil Statutes of 1925, and declaring an emergency."

The bill was read second time and was passed to engrossment.

### HOUSE BILL NO. 39 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 39. A bill to be entitled "An Act to amend Article 3726 of Title 55 of the Revised Civil Statutes of 1925, and declaring an emergency."

The bill was read second time and was passed to engrossment.

### HOUSE BILL NO. 28 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 28, A bill to be entitled "An Act to amend Article 942 of Title 27 of the Revised Civil Statutes of 1925, and declaring an emergency."

The bill was read second time and was passed to engrossment.

### HOUSE BILL NO. 36 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 36. A bill to be entitled "An Act to amend Article 2496 of the Revised Civil Statutes of 1925, and declaring an emergency."

The bill was read second time and was passed to engrossment.

### BILLS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills:

S. B. No. 5, "An Act amending Chapter 115, Local and Special Laws of the Regular Session of the Thirty-fifth Legislature, same being a special road law for Duval county, by adding thereto Sections 17, 18, 19, 20, 21, 22 and 23; validating an election for the issuance of special road bonds of said county; enacting provisions necessary and incidental to the subject and purpose of this act, and declaring an emergency."

H. B. No. 52, "An Act to amend House bill No. 369 of the Acts of the Thirty-ninth Legislature, Regular Session, Chapter 86, and providing for the reorganization of the Thirty-first Judicial District of Texas; naming the counties constituting the same; creating and organizing the One Hundred and Seventh Judicial District of Texas, and naming

the counties therein, fixing the times and terms of the district courts, etc."

### HOUSE BILL NO. 37 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 37, A bill to be entitled "An Act to amend Article 3351 of Chapter 5, Title 54, of the Revised Civil

The bill was read second time and emergency."

The bill was read second time and was passed to engrossment.

### HOUSE BILL NO. 41 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 41, A bill to be entitled "An Act to amend Article 3990, of Title 64, of the Revised Civil Statutes of 1925, and declaring an emergency."

The bill was read second time and was passed to engrossment.

### MESSAGE FROM THE SENATE.

State Chamber,

Austin, Texas, January 21, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

S. C. R. No. 7, Relating to the attendance of the lawyer members of the Legislature.

And has passed

H. B. No. 52, A bill to be entitled "An Act to amend House bill No. 369 of the Acts of the Thirty-ninth Legislature, Regular Session, Chapter 86, and providing for the reorganization of the Thirty-first Judicial District of Texas; naming the counties constituting the same; creating and organizing the One Hundred and Seventh Judicial District of Texas, and naming the counties therein; fixing the times and terms of the district courts, etc."

Respectfully,

J. H. THORNHILL,

Assistant Secretary of the Senate.

### HOUSE BILL NO. 43 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,



H. B. No. 43, A bill to be entitled "An Act to amend Article 4231 of Chapter 10, Title 69, of the Revised Civil Statutes of 1925, and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### HOUSE BILL NO. 45 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 45, A bill to be entitled "An Act to amend Article 4930 of Chapter 11, Title 78, of the Revised Civil Statutes of 1925, and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### HOUSE BILL NO. 47 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 47, A bill to be entitled "An Act to amend Article 6424 of Chapter 9, Title 112, of the Revised Civil Statutes of 1925, and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### REPORT FROM SECRETARY OF STATE.

The Speaker laid before the House and had read the following report from the Secretary of State:

State of Texas.

Department of State,

Austin, Texas, January 21, 1927.

Colonel R. P. Smyth, Member of House of Representatives, Austin, Texas.

Dear Colonel Smyth: For your information, and the information of the House, I herewith transmit to you a certified copy of the auditor's report, showing the receipts and disbursements of the Secretary of State's office for the period that I have been Secretary of State up to January first of this year.

I am transmitting this to you for such disposition as you see proper to make of same, and for the information of the members of the House.

I am,

Yours most respectfully,  
EMMA GRIGSBY MEHARG,  
Secretary of State.

Austin, Texas, January 10, 1927.

Hon. S. H. Terrell, Comptroller, Austin, Texas.

Dear Sir: Acting under your instructions, I herewith beg to hand you a copy of an audit made of the books and records of Mrs. Emma Grigsby Meharg, Secretary of State, beginning January 26, 1925, and ending December 31, 1926; showing a balance of \$16.78 over-remitted to the State Treasurer during this time.

You will note that there is a difference in the amount actually received and disbursed by her of \$3,049.78, which is still on deposit with the American National Bank of Austin, Texas. In other words that amount is still pending, over and above the amounts handled by her administration, that have not been taken into account and deposited with the Treasurer. This amount with the balance left in the bank, from items deposited during her administration, of \$5,553.22, brings the total of cash in the bank on December 31, 1926, \$8,963.00.

I wish to take this means of complimenting Mrs. Meharg upon the showing of her department, and to especially compliment Miss Fredricka Turner, and Miss Matilda Riesto, cashier and book-keeper, upon the excellent manner in which they have kept their records, and the close attention which they have paid to details in handling the volume of items passed through their hands.

Thanking Mrs. Meharg, as well as the entire office, who held themselves in readiness to assist Mr. Cloyed and myself, for the many courtesies extended us while on this audit, I am

Very truly yours,

E. F. ELKIN,  
Special Examiner.

**STATEMENT OF BANK ACCOUNT OF THE AMERICAN NATIONAL BANK, AUSTIN,  
TEXAS, WITH THE SECRETARY OF STATE OF THE STATE OF TEXAS  
BEGINNING JANUARY 26, 1925.**

Balance in Bank January 26, 1925		Checks Outstanding January 26, 1925	
Deposits from Jan., 1926	\$ 12,106.29	Checks issued from Jan., 1, 26	\$ 6,536.29
Deposits for Feb., 1926	12,089.19	Checks issued Feb., 1926	10,690.90
Deposits for Mar., 1926	103,621.34	Checks issued Mar., 1926	104,646.34
Deposits for Apr., 1926	177,756.90	Checks issued Apr., 1926	176,341.41
Deposits for May, 1926	470,997.97	Checks issued May, 1926	470,579.82
Deposits for June, 1926	242,834.14	Checks issued June, 1926	245,463.06
Deposits for July, 1926	125,595.08	Checks issued July, 1926	108,790.59
Deposits for August, 1926	61,142.96	Checks issued August, 1926	74,680.34
	40,741.83		43,562.16
	<u>\$1,246,885.70</u>		<u>\$1,241,290.91</u>
		Ledger Balance net as of August 31, 1925	5,594.79
	<u>\$1,246,885.70</u>		<u>\$1,246,885.70</u>
Balance in Bank Ledger September 1, 1925	\$ 5,594.79	Checks issued Sept., 1926	\$ 35,503.73
Deposits for Sept., 1926	35,270.05	Checks issued Oct., 1926	45,075.93
Deposits for Oct., 1926	42,789.30	Checks issued Nov., 1926	31,254.58
Deposits for Nov., 1926	33,644.14	Checks issued Dec., 1926	50,336.58
Deposits for Dec., 1926	62,687.18	Checks issued Jan., 1926	72,630.05
Deposits for Jan., 1926	61,587.13	Checks issued Feb., 1926	86,525.19
Deposits for Feb., 1926	86,233.25	Checks issued March, 1926	204,459.62
Deposits for March, 1926	204,713.48	Checks issued April, 1926	576,189.54
Deposits for April, 1926	585,327.41	Checks issued May, 1926	245,560.84
Deposits for May, 1926	243,007.96	Checks issued June, 1926	112,802.30
Deposits for June, 1926	110,656.21	Checks issued July, 1926	77,689.40
Deposits for July, 1926	79,891.27	Checks issued August, 1926	55,919.27
Deposits for August, 1926	50,626.81		
	<u>\$1,602,028.98</u>		<u>\$1,593,956.03</u>
		Ledger Balance net as of August 31, 1926	8,072.95
	<u>\$1,602,028.98</u>		<u>\$1,602,028.98</u>
Balance in Bank Ledger Balance September 1, 1926	8,072.95	Checks issued Sept., 1926	58,782.71
Deposits for Sept., 1926	57,269.69	Checks issued Oct., 1926	42,360.93
Deposits for Oct., 1926	43,931.64	Checks issued Nov., 1926	37,973.06
Deposits for Nov., 1926	35,963.06	Checks issued Dec., 1926	58,742.24
Deposits for Dec., 1926	61,584.60		
	<u>\$ 206,821.94</u>		<u>\$ 197,858.94</u>
		Ledger Balance net as of December 31, 1926	8,963.00
	<u>\$ 206,821.94</u>		<u>\$ 206,821.94</u>

**STATEMENT OF COLLECTIONS AND DISBURSEMENTS OF THE SECRETARY OF  
STATE OF THE STATE OF TEXAS, BEGINNING JANUARY 26, 1925, AND  
ENDING AUGUST 31, 1925.**

Collections on Charters	\$ 145,549.05		
Foreign Permits	98,035.00		
Domestic Franchises	681,088.88		
Foreign Franchises	264,166.36		
Copies and Certificates	4,229.03		
Laws	2,547.32		
Commissions	27,109.00		
Stock Permits	947.00		
Requisitions	60.10		
Report Penalties	18.30		
Amounts Returned Unused	10,615.79		
Excess	3.74		
Total for Fiscal Year		\$1,234,369.57	
Total Amount Collected	\$1,234,369.57		
Amounts Returned Unused		\$ 10,615.79	
Excess		3.74	
Net Receipts		1,223,750.04	
		<u>\$1,234,369.57</u>	<u>\$1,234,369.57</u>
Net Collected		\$1,223,750.04	
Deposits to Treasury		1,223,444.18	
Under Deposit		\$ 305.86	

**STATEMENT OF COLLECTIONS AND DISBURSEMENTS OF THE SECRETARY OF  
STATE OF THE STATE OF TEXAS, FOR THE FISCAL YEAR BEGINNING  
SEPTEMBER 1, 1925, AND ENDING AUGUST 31, 1926.**

Collections on Charters.....	\$ 274,054.00	
Foreign Permits.....	171,082.00	
Domestic Franchises.....	828,001.02	
Foreign Franchises.....	271,852.91	
Copies and Certificates.....	5,998.85	
Laws.....	11,329.99	
Commissions.....	2,213.00	
Stock Permits.....	1,323.00	
Requisitions.....	154.50	
Amounts Returned Unused.....	21,104.82	
Excess.....	13.89	
Total for Fiscal Year.....		\$1,587,127.98
Total Amount Collected.....	\$1,587,127.98	
Amounts Returned Unused.....		\$ 21,104.82
Excess.....		13.89
Net Receipts.....		1,566,009.27
	\$1,587,127.98	\$1,587,127.98
Deposits to Treasurer.....		\$1,566,331.95
Net Collected.....		1,566,009.27
Over Deposit.....		\$ 322.68

**STATEMENT OF COLLECTIONS AND DISBURSEMENTS OF THE SECRETARY OF  
STATE OF THE STATE OF TEXAS, BEGINNING AUGUST 31, 1926, AND  
ENDING DECEMBER 31, 1926.**

Collections on Charters.....	\$ 91,463.00	
Foreign Permits.....	45,335.00	
Domestic Franchises.....	30,440.35	
Foreign Franchises.....	15,210.05	
Copies and Certificates.....	2,552.05	
Laws.....	1,456.90	
Commissions.....	2,387.00	
Stock Permits.....	8.00	
Requisitions.....	48.00	
Amounts Returned Unused.....	7,897.08	
Excess.....	14.21	
Total for the period.....		\$ 196,811.64
Total Amount Collected.....	\$ 196,811.64	
Amounts Returned Unused.....		\$ 7,897.08
Excess.....		14.21
		\$ 7,911.29
		188,900.35
	\$ 196,811.64	\$ 196,811.64
Net Collected.....		\$ 188,900.35
Deposits to Treasurer.....		188,900.35

**RECAPITULATION OF COLLECTIONS AND DISBURSEMENTS OF SECRETARY OF  
STATE OF THE STATE OF TEXAS, BEGINNING JANUARY 26, 1925, AND  
ENDING DECEMBER 31, 1926.**

<b>Collections</b>		
Fiscal Year Ending August 31, 1925.....	\$1,234,369.57	
Ending August 31, 1926.....	1,587,127.98	
Period Ending December 31, 1926.....	196,811.64	
	\$3,018,309.19	
Over Remittance to Treasurer.....	16.78	
	\$3,018,325.97	
<b>Disbursements</b>		
Deposited to Treasurer.....	\$1,223,444.18	
Deposited to Excess.....	3.74	
Amounts Returned.....	10,615.79	
Deposited to Treasurer.....	1,566,331.95	
Deposited to Excess.....	13.89	
Amounts Returned.....	21,104.82	
Deposited to Treasurer.....	188,900.35	
Deposited to Excess.....	14.21	
Amounts Returned.....	7,897.08	
	\$3,018,325.97	
Credit to Secretary of State.....	\$ 16.78	



**RECONCILEMENT OF SECRETARY OF STATE ACCOUNT INCLUDING AMOUNT IN  
BANK AT THE BEGINNING OF ADMINISTRATION JANUARY 26, 1925,  
TO DECEMBER 31, 1926.**

Receipts

January 26, 1925, balance in bank.....	\$ 5,570.00
Total Receipts January 26, 1925, to December 31, 1926 .....	3,018,309.19
	<b>\$3,023,879.19</b>
Balance in American National Bank of Austin not yet remitted to Treasurer nor taken into account.....	3,409.78
	<b>\$3,027,288.97</b>

Disbursements

January 26, 1925, to December 31, 1926 .....	<b>\$3,018,325.97</b>
Cash Balance in Bank as per Ledger December 31, 1926.....	8,963.00
	<b>\$3,027,288.97</b>

State of Texas,  
Comptroller's Department.

I, S. H. Terrell, Comptroller of Public Accounts of the State of Texas, do hereby certify that the attached and foregoing is a true and correct copy of an audit made by Special Examiners for this department of the account of cash receipts and disbursements by the Department of State from January 26, 1925, to December 31, 1926, inclusive, during the administration of Mrs. Emma Grigsby Meharg, as shown by the records of that department.

In testimony whereof, I hereunto signed my name officially and caused my official seal to be impressed hereon at my office in the City of Austin, Texas, on this the 10th day of January, A. D., 1927.

(Seal) S. H. TERRELL,  
Comptroller.

**HOUSE BILL NO. 71 ON SECOND  
READING.**

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 71, A bill to be entitled "An Act to amend Chapter 172 of the Laws of the Regular Session of the Thirty-ninth Legislature, Section 5, page 388, relating to the preservation and propagation of all wild animals, wild birds and wild fowls of this State, and amending Chapter 6 of the Revised Criminal Statutes, Article 878, page 197, relating to division into zones for the time limits as to hunting game; making provisions for a change in boundary from Longview to Loraine on the Louisiana State line instead of from Longview to Texarkana, and declaring an emergency."

The bill was read the second time.

Mr. Woodall offered the following amendments to the bill:

(1)

Amend House bill No. 71 by inserting in line 26, page 1, after the word "thence" and before the words "to Loraine" the following: "following the main line of the Texas and Pacific Railroad."

(2)

Also amend House bill No. 71 by inserting in line 36, page 1, after the word "thence" and before the words "to Loraine" the following: "following the main line of the Texas and Pacific Railroad."

The amendments were severally adopted.

House bill No. 71 was then passed to engrossment.

**HOUSE BILL NO 71 ON THIRD  
READING.**

Mr. Woodall moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 71 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—105.

Mr. Speaker.	Boon.
Acker.	Branch.
Alexander.	Conway.
Avis.	Cornwell.
Barnett.	Cummings.
Barron.	Dale.
Bass.	Daniel.
Bateman.	Davis.
Beck.	Denman.
Bird.	Dielmann.
Black.	Durham.
Boggs.	Enderby.

Farrar.	Pope.
Faulk.	Porter.
Finlay.	Ramsey.
Fly.	Rawlins.
Forbes.	Renfro
Gates.	of Angelina.
Gibson.	Rogers of Hays.
Gilbert.	Renfro of Mills.
Graves.	Rogers of Shelby.
Hall.	Runge.
Harding.	Sanders.
High.	Shaver.
Holland.	Shearer.
Hornaday.	Sheats.
Jacks.	Shirley.
Jones.	Simmons.
Justice.	Smith of Nueces.
Kayton.	Smith of Smith.
Kemble.	Smyth.
Kincaid.	Snelgrove.
King of Hopkins.	Stell.
King of	Storey.
Throckmorton.	Sutton.
Land.	Swain.
Long.	Taylor.
Loy.	Turner.
Masterson.	Veatch.
McKean.	Waddell.
Merritt.	Walker.
Minor.	Wallace
Montgomery.	of Freestone.
Moore.	Wallace of Panola.
Morse.	Wallace of Smith.
Moursund.	Webb.
Murphy.	Wells.
Nakors.	Williams
Parish of Runnels.	of Sabine.
Parish of Travis.	Williams
Pavlica.	of Travis.
Pearie.	Williamson.
Petsch.	Woodall.
Poag.	Woodruff.
Pool.	Young.

## Nays—12.

Albritton.	McCombs.
DeBery.	Olsen.
Eickeroht.	Stevenson.
Hagaman.	Stout.
Kennedy.	Ware.
Kirkland.	Whitaker.

## Absent.

Anderson.	Loftin.
Bonham.	McGill.
Brown.	Nicholson.
Cox.	Purl.
Dunlap.	Reagan.
Duvall.	Powell.
Fuchs.	Satterwhite.
Gray.	Sinks.
Harman.	Smith of Atascosa.
Holder.	Smith of El Paso.
Johnson.	Teer.
Kirby.	Tillotson.
Lipscomb.	Van Zandt.

## Absent—Excused.

Foster.	Kittrell.
Hefley.	Rowell.
Kenyon.	Wassell.
Kinnear.	

The Speaker then laid House bill No. 71 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—107.

Acker.	Merritt.
Albritton.	Minor.
Alexander.	Montgomery.
Barnett.	Moore.
Barron.	Morse.
Bass.	Moursund.
Beck.	Murphy.
Bird.	Nabors.
Black.	Olsen.
Boggs.	Parish of Runnels.
Boon.	Pavlica.
Branch.	Pearce.
Conway.	Poage.
Cornwell.	Pool.
Dale.	Pope.
Daniel.	Porter.
Davis.	Powell.
DeBerry.	Purl.
Denman.	Ramsey.
Dielmann.	Rawlins.
Durham.	Renfro
Enderby.	of Angelina.
Farrar.	Renfro of Mills.
Faulk.	Rogers of Hays.
Finlay.	Rogers of Shelby.
Fly.	Sanders.
Forbes.	Shaver.
Gates.	Shearer.
Gibson.	Sheats.
Gilbert.	Shirley.
Graves.	Simmons.
Hagaman.	Smith of Nueces.
Hall.	Smith of Smith.
Harding.	Smyth.
Harman.	Snelgrove.
High.	Stell.
Holland.	Stevenson.
Hornaday.	Stout.
Jacks.	Sutton.
Jones.	Swain.
Justice.	Taylor.
Kayton.	Turner.
Kemble.	Van Zandt.
King of Hopkins.	Waddell.
King of	Walker.
Throckmorton.	Wallace
Kirkland.	of Freestone.
Land.	Wallace of Panola.
Long.	Wallace of Smith.
Loy.	Ware.
Masterson.	Webb.
McKean.	Wells.

Whitaker.	Williamson.
Williams	Woodall.
of Sabine.	Woodruff.
Williams	Young.
of Travis.	

Nays—2.

Eickenroht.	McCombs.
-------------	----------

Present—Not Voting.

Kennedy.

Absent.

Anderson.	Loftin.
Avis.	McGill.
Bateman.	Nicholson.
Bonham.	Parrish of Travis.
Brown.	Petsch.
Cox.	Reagan.
Cummings.	Runge.
Dunlap.	Satterwhite.
Duvall.	Sinks.
Fuchs.	Smith of Atascosa.
Gray.	Smith of El Paso.
Holder.	Storey.
Johnson.	Teer.
Kincaid.	Tillotson.
Kirby.	Veatch.
Lipscomb.	

Absent—Excused.

Foster.	Kittrell.
Hefley.	Rowell.
Kenyon.	Wassell.
Kinnear.	

## HOUSE BILL NO. 147 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 147, A bill to be entitled "An Act to amend Article 2249 of the Revised Civil Statutes of Texas, 1925, adopted at the Regular Session of the Thirty-ninth Legislature, so as to repeal that portion of said article allowing an appeal to the Court of Civil Appeals from every order of any district or county court in civil cases, granting motions for new trials, and declaring an emergency."

The bill was read second time and was passed to engrossment.

## HOUSE BILL NO. 80 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 80, A bill to be entitled "An Act to change the names and designation of the county court of Bexar county for civil cases to the 'County

Court at Law No. 1, of Bexar County,' for criminal cases to the 'County Court at Law No. 2 of Bexar county, Texas.'"

The bill was read second time.

Mr. Dielmann offered the following (committee) amendments to the bill:

(1)

Amend House bill No. 80 by striking out all after the enacting clause and insert in lieu thereof the following:

Section 1. From and after the passage and taking effect of this act the county court of Bexar county for civil cases shall be known and designated as the "County Court at Law No. 1, of Bexar County, Texas." The present judge and all officers of the county court of Bexar county for civil cases shall continue as such respective judge and officers of the County Court at Law No. 1 of Bexar county, Texas, until the expiration of their present terms of office and until their successors shall have been duly elected or appointed and qualified.

Sec. 2. From and after the passage and taking effect of this act the county court of Bexar county for criminal cases shall be known and designated as the "County Court at Law No. 2 of Bexar County, Texas." The present judge and all officers of the county court of Bexar county for criminal cases shall continue as such respective judge and officers of the County Court at Law No. 2, of Bexar County, Texas, until the expiration of their present terms of office and until their successors shall have been duly elected or appointed and qualified.

Sec. 3. Said County Court at Law No. 1, of Bexar County, Texas, and the judge thereof, shall have and exercise the same jurisdiction, original and appellate, heretofore conferred on said county court of Bexar county or civil cases, and the judge thereof, and in addition thereto, shall have jurisdiction, within Bexar county, Texas, of all such subject matters and causes, original and appellate, over which the county court of Bexar County for criminal cases has heretofore had jurisdiction; and the authorized jurisdiction of said courts, namely, the County Court at Law No. 1, of Bexar County, Texas and the County Court at Law No. 2 of Bexar County, Texas, over all such matters, within said county, shall be concurrent.

Sec. 4. Said County Court at Law No. 2, of Bexar County, Texas, and the judge thereof, shall have and exercise

the same jurisdiction, original and appellate, heretofore conferred on said county court of Bexar county for criminal cases, and the judge thereof, and in addition thereto, shall have jurisdiction, within Bexar county, Texas, of all such subject matters and causes, original and appellate, over which the county court of Bexar county for civil cases has heretofore had jurisdiction; and the authorized jurisdiction of said courts, namely, the County Court at Law No. 1, of Bexar County, Texas, and the County Court at Law No. 2 of Bexar County, Texas, over all such matters, within said county, shall be concurrent.

Sec. 5. From and after the passage and taking effect of this act, civil and criminal cases, within the jurisdiction of said courts, may be filed in either the County Court at Law No. 1, of Bexar County, Texas, or in the County Court at Law No. 2 of Bexar County, Texas.

Sec. 6. Whenever the judge of said County Court at Law No. 1, or the judge of said County Court at Law No. 2 of Bexar County, Texas, may deem it advisable or expedient he may transfer any case or cases pending in the court over which he presides to the other of said county courts at law, and the written order upon the minutes of said court so transferring such case, signed by the judge thereof making the transfer, shall be authority for the clerk of said court to make such transfer.

Sec. 7. It shall be the duty of the judge of the County Court at Law No. 1 of Bexar County, Texas, as soon as practicable after the passage and taking effect of this act to transfer as aforesaid from the docket of said court to the docket of said County Court at Law No. 2 of Bexar County, Texas, approximately one-half of the civil cases pending upon said docket, which shall be done by transferring every alternate case without reference to whether any particular case be pending upon the jury or non-jury docket of said court; provided, this section is directory in nature.

Sec. 8. It shall be the duty of the judge of the County Court at Law No. 2 of Bexar County, Texas, as soon as practicable after the passage and taking effect of this act, to transfer as aforesaid from the docket of said court to the docket of said County Court at Law No. 1, of Bexar County, Texas, approximately one-half of the criminal cases pending upon said docket, which shall be done by transferring every alternate case without reference to whether any particular case be pending upon the jury or non-jury docket of

said court; provided, this section is directory in nature.

Sec. 9. The judge of the County Court at Law No. 1 of Bexar County, Texas, and the judge of the County Court at Law No. 2, of Bexar County, Texas, may hold court for or with one another, and all acts and proceedings of any court so held shall be valid and binding.

Sec. 10. All writs, processes, judgments and decrees, civil and criminal, heretofore issued by or out of the said county court of Bexar county for civil cases or the said county court of Bexar county for criminal cases, as well as all bonds and recognizances taken in either of said courts, and all other acts and proceedings had therein, shall be as valid and enforceable and binding as if no change had been made in the name, designation, jurisdiction or time of the holding of either of said courts, and each and all of the same are, respectively, hereby made returnable and effective in that one of said county courts at law which shall have jurisdiction of the cause in conformity with the terms and provisions of this act.

Sec. 11. The judge of said County Court at Law No. 1, of Bexar County, Texas, and the judge of said County Court at Law No. 2, of Bexar County, Texas, shall each take the oath of office prescribed by the law relating to county judges, but no bond shall be required of either of them. Each of the said judges shall be enabled to collect the same fees provided by law for county judges in similar cases, all of which shall be collected by the clerk of said courts and paid by him monthly into the county treasury of Bexar county, in accordance with orders of the commissioners court of said county. Each of said judges shall receive a salary of five thousand (\$5000) dollars annually, to be paid in equal monthly installments by said county by warrants drawn from the general funds thereof, out of the county treasury by the orders of the commissioners court.

Sec. 12. The county court of Bexar county, Texas, and the judge thereof, shall have and retain the same jurisdiction, powers, fees and perquisites of office as conferred on said county court of Bexar county, or the judge thereof, at and before the time of the passage and taking effect of this act; and this act shall in nowise affect said county court.

Sec. 13. The County Court at Law No. 1, of Bexar County, Texas, shall hold six terms of court each year, commencing



on the first Monday in January, March, May, July, September and November, and each term shall continue until the business shall have been disposed of; and the County Court at Law No. 2, of Bexar County, Texas, shall hold six terms of court each year, commencing on the first Monday in February, April, June, August, October and December, and each term shall continue until the business shall have been disposed of; provided, no term of either of said courts shall continue beyond the date fixed for the commencement of its new term, except upon an order entered on its minutes during the term extending the term for any particular causes therein specified.

Sec. 14. Special judges of either said County Court at Law No. 1 or said County Court at Law No. 2 may be appointed or elected, and shall be authorized to act as provided by the general laws relating to county courts, and to the judges thereof; and every such special judge shall receive the same pay for his services as is provided by law for county judges in similar cases.

Sec. 15. The County Clerk of Bexar County shall be clerk of both said County Court at Law No. 1 and also said County Court at Law No. 2. The seal of each of said courts shall be the same as that provided for county courts, except that the seal of each of said county courts at law shall contain its name and number as specified in this act. The sheriff of Bexar county shall in person, or by deputy, attend each of said courts when so required by the judge thereof.

Sec. 16. The term of the County Court at Law No. 1, of Bexar County, Texas, current at the time of the taking effect of this act shall continue until the commencement of the next following term of said court, in the month as fixed by this act, in the year 1927, or until any earlier adjournment thereof. All process issued out of said court before this act takes effect, and not theretofore returnable, or returnable on some special date, is hereby made returnable to the terms of court as fixed by this act. All bonds heretofore executed in said court shall bind the parties to fulfill the obligation of such bonds at the terms of court, and to that one of said county courts at law having jurisdiction of the cause, in conformity with this act. All writs and process heretofore issued and returned, as well as all bonds heretofore taken in said county court of Bexar

county for civil cases, and all judgments, writs and decrees thereof, shall be as valid and binding, and enforceable, as if no change had been made in the jurisdiction or the time of the holdings of said court, or in the name and designation of said court.

Sec. 17. The term of the County Court at Law No. 2, of Bexar County, Texas, current at the time of the taking effect of this act, shall continue until the commencement of the next following term of said court in the month as fixed by this act, in the year 1927, or until any earlier adjournment thereof. All process issued out of said court before this act takes effect, and not theretofore returnable, or returnable on some special date, is hereby made returnable to the terms of court as fixed by this act. All bonds and recognizances heretofore executed and taken in said court shall bind the parties to fulfill the obligations of such bonds and recognizances at the terms of court, and to the one of said county courts at law having jurisdiction of the cause, in conformity with this act. All writs and processes heretofore issued and returned, as well as all bonds and recognizances heretofore executed and taken in said county court of Bexar county for criminal cases, and all judgments and writs and decrees thereof shall be as valid and binding and enforceable as if no change had been made in the jurisdiction or the time of the holdings of said court, or in the name and designation of said court.

Sec. 18. There shall be appointed by the county attorney of said county, in addition to the assistants now provided by law, one special assistant, for the purpose of conducting the duties of his office in said courts. Such assistant county attorney shall be paid a salary of three thousand (\$3000) dollars annually, in equal monthly installments, by said county, upon warrants drawn against the general fund by orders of the commissioners court.

Sec. 19. For the purpose of preserving a record in all cases for the information of the court, jury and parties, the judge of the County Court at Law No. 2, of Bexar County, Texas, may appoint an official shorthand reporter for said court who shall be well skilled in his profession, shall be a sworn officer of the court, and shall hold his office at the pleasure of the court; and the provisions of the law relating to the appointment of stenographers for the district

courts of this State shall, and they are hereby made to apply in all their provisions, in so far as they are applicable, to the official shorthand reporter herein authorized to be appointed, and said reporter shall be entitled to the same fees and salary, and shall perform the same duties, and shall take the same oath as now provided by the general laws of this State covering the stenographers of the district courts of this State; and in all cases pending in said County Court at Law No. 2, of Bexar County, Texas, at the time of the passage and taking effect of this act, and in all civil cases that may hereafter be filed in said court in which an answer has been filed or may be filed, and also in all other cases, civil and criminal, where either party litigant, or the court, should require the official shorthand reporter to take down the testimony, a stenographer's fee of three (\$3.00) dollars shall be taxed by the clerk of said court as costs in this case, the same to be in addition to all other costs, and said fee, when so collected by said clerk, shall be by him paid into the treasury of Bexar county in the same manner as now required of district clerks under similar circumstances.

Sec. 20. The act of the Legislature of the State of Texas, enacted by the Thirty-second Legislature, Regular Session, known as House bill No. 111, Chapter 10, approved February 20, 1911, found on pages 15, 16 and 17, of the session laws of said Legislature, creating the county court of Bexar county for civil cases, and each provision of said act, and the amendment to said act passed by the Thirty-eighth Legislature of the State of Texas, known as House bill No. 367, found on pages 73 and 74, of the session laws of the said Legislature, authorizing the appointment of an official shorthand reporter for said court, shall, except in so far as in conflict herewith, remain in full force and effect, and apply to the County Court at Law No. 1, of Bexar County, Texas.

Sec. 21. The act of the Legislature of the State of Texas, enacted by the Thirty-fourth Legislature, Regular Session, known as Senate bill No. 323, Chapter 39, approved March 5, 1915, as found on pages 78, 79, 80 and 81, of the session laws of said Legislature, creating the county court of Bexar county for criminal cases, and each provision of said act, shall, except in so far as in conflict herewith, remain in full force and effect, and apply to the County

Court at Law No. 2, of Bexar County, Texas.

Sec. 22. All laws and parts of laws in conflict with the provisions of this act are hereby repealed. In case it should be declared by the courts that any part of this act is unconstitutional such decision shall not impair other parts and portions of this act.

Sec. 23. The fact that there is now no adequate provision governing the filing and transfer of cases into and between said courts; the fact that the dockets of said respective courts should be equalized; the fact that since the creation of said county court of Bexar county for civil cases in the year 1911 and the county court of Bexar county for criminal cases in the year 1915, the cost of living has greatly increased, and the salaries of the judges of said courts are wholly inadequate and considerably lower than the salaries of the judges of similar and corresponding courts; the fact that the unusually large volume of business handled by each of said courts, and the large responsibility of the office in a county seat the size of San Antonio, justifies the propriety hereof and creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and said rule is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

(2)

Amend House bill No. 80 by striking out all preceding the enacting clause and insert in lieu thereof the following:

A bill to be entitled An Act to change the names and designation of the county court of Bexar county for civil cases to the "County Court at Law No. 1, of Bexar County, Texas," and the county court of Bexar county for criminal cases to the "County Court at Law No. 2, of Bexar County, Texas"; to increase the jurisdiction of each of said courts by conferring upon said courts additional civil and criminal jurisdiction in certain cases and matters, and making the jurisdiction of said courts equal and concurrent; to provide for the filing of civil and criminal cases in said courts; to provide for the transfer of cases into and between said courts; to provide for the judges of said courts holding court for or with one another; to provide for the continued effect and return of writs,

process, judgments, decrees, bonds, etc.; to provide for the taking of an oath of office by the judges of said courts, and for the collection of fees; to provide for the time of holding said courts, and terms thereof; to fix and increase, and provide for the payment of, the salaries of the judges of the said county courts at law; providing for the appointment and payment of a special assistant county attorney to act in said courts; to provide for the appointment and payment of an official shorthand reporter for the County Court at Law No. 2, of Bexar County, Texas; to provide that all previous acts of the Legislature specially governing either said county court of Bexar county for civil cases or said county court of Bexar county for criminal cases, except in so far as in conflict herewith, shall remain in force and effect, and apply, or be extended alike, to each of said county courts at law; to provide for the taxing, collection and disposition of costs in said courts, providing a saving clause, and declaring an emergency.

The amendments were severally adopted.

House bill No. 80 was then passed to engrossment.

#### HOUSE BILL NO. 80 ON THIRD READING.

Mr. Dielmann moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 80 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—105.

Acker.	Enderby.
Alexander.	Farrar.
Anderson.	Faulk.
Avis.	Finlay.
Barron.	Fly.
Bass.	Forbes.
Bateman.	Gates.
Beck.	Gibson.
Bird.	Gray.
Black.	Hagaman.
Boggs.	Harding.
Boon.	Harman.
Branch.	High.
Brown.	Holland.
Conway.	Hornaday.
Cornwell.	Jacks.
Dale.	Jones.
DeBerry.	Justice.
Denman.	Kemble.
Dielmann.	Kincaid.
Durham.	King of Hopkins.

King of Throckmorton.	Sanders.
Kirkland.	Shaver.
Land.	Shearer.
Loftin.	Shirley.
Long.	Simmons.
McCombs.	Smith of Atascosa.
McKean.	Smith of El Paso.
Merritt.	Smith of Nueces.
Minor.	Smith of Smith.
Montgomery.	Snelgrove.
Moore.	Stevenson.
Morse.	Storey.
Moursund.	Stout.
Murphy.	Sutton.
Nabors.	Swain.
Parish of Runnels.	Taylor.
Parrish of Travis.	Teer.
Pavlica.	Tillotson.
Pearce.	Van Zandt.
Petsch.	Veatch.
Poage.	Waddell.
Pool.	Wallace
Powell.	of Freestone.
Purl.	Wallace of Panola.
Ramsey.	Wallace of Smith.
Rawlins.	Ware.
Renfro	Webb.
of Angelina.	Wells.
Renfro of Mills.	Williams
Rogers of Hays.	of Sabine.
Rogers of Shelby.	Williamson.
Runge.	Woodall.
	Young.

Nays—12.

Albritton.	Loy.
Barnett.	Olsen.
Davis.	Stell.
Eickenroht.	Turner.
Hall.	Walker.
Kennedy.	Whitaker.

Absent.

Bonham.	Masterson.
Cox.	McGill.
Cummings.	Nicholson.
Daniel.	Pope.
Dunlap.	Porter.
Duvall.	Reagan.
Fuchs.	Satterwhite.
Gilbert.	Sheats.
Graves.	Sinks.
Holder.	Smyth.
Johnson.	Williams
Kirby.	of Travis.
Lipscomb.	Woodruff.

Absent—Excused.

Foster.	Kinnear.
Hefley.	Kittrell.
Kayton.	Rowell.
Kenyon.	Wassell.

The Speaker then laid House bill No. 80 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—106.

Albritton.	Moursund.
Alexander.	Murphy.
Anderson.	Nabors.
Avis.	Olsen.
Barron.	Parish of Runnels.
Bateman.	Parrish of Travis.
Beck.	Pavlica.
Bird.	Pearce.
Black.	Petsch.
Boggs.	Poage.
Boon.	Pool.
Branch.	Porter.
Brown.	Powell.
Conway.	Ramsey.
Cornwell.	Rawlins.
Dale.	Renfro
DeBerry.	of Angelina.
Denman.	Renfro of Mills.
Dielmann.	Rogers of Hays.
Enderby.	Rogers of Shelby.
Farrar.	Runge.
Faulk.	Sanders.
Finlay.	Shaver.
Fly.	Shearer.
Forbes.	Sheats.
Gates.	Shirley.
Gilbert.	Simmons.
Gray.	Smith of El Paso.
Hall.	Smith of Nueces.
Harding.	Smith of Smith.
Harman.	Snelgrove.
High.	Stell.
Holland.	Stevenson.
Hornaday.	Storey.
Jacks.	Sutton.
Jones.	Swain.
Justice.	Taylor.
Kemble.	Teer.
Kennedy.	Tillotson.
Kincaid.	Turner.
King of Hopkins.	Van Zandt.
King of	Veatch.
Throckmorton.	Waddell.
Kirkland.	Walker.
Land.	Wallace of Panola.
Loftin.	Wallace of Smith.
Long.	Ware.
Loy.	Webb.
McCombs.	Wells.
McKean.	Whitaker.
Merritt.	Williams
Minor.	of Sabine.
Montgomery.	Williamson.
Moore.	Woodall.
Morse.	Young.

Nays—3.

Davis. Smith of Atascosa.  
Eickenroht.

Present—Not Voting.

Barnett. Bass.

Absent.

Acker.	Masterson.
Bonham.	McGill.
Cox.	Nicholson.
Cummings.	Pope.
Daniel.	Purl.
Dunlap.	Reagan.
Durham.	Satterwhite.
Duvall.	Sinks.
Fuchs.	Smyth.
Gibson.	Stout.
Graves.	Wallace
Hagaman.	of Freestone.
Holder.	Williams
Johnson.	of Travis.
Kirby.	Woodruff.
Lipscomb.	

Absent—Excused.

Foster.	Kinnear.
Hefley.	Kittrell.
Kayton.	Rowell.
Kenyon.	Wassell.

#### COMMITTEE TO ARRANGE FOR BLOCK PICTURE.

The Speaker appointed the following committee to arrange for the block pictures of the members of the House:

Messrs. Parrish of Travis, Bonham, Durham, Stevenson, Veatch, Smith of Atascosa and Brown.

#### SENATE BILL NO. 6 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 6, A bill to be entitled "An Act amending Chapter 115, Local and Special Laws, Regular Session, Thirty-fifth Legislature of the State of Texas, entitled 'An Act to create a more efficient road law for Duval county, Texas, etc.'; to permit the issuance of refunding bonds for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and declaring an emergency."

The bill was read second time and was passed to third reading.

#### SENATE BILL NO. 6 ON THIRD READING.

Mr. Montgomery moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate bill No. 6 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—106.

Alexander.	Barnett.
Anderson.	Barron.
Avis.	Bass.



Bateman.	Moursund.
Beck.	Murphy.
Bird.	Nabors.
Black.	Parish of Runnels.
Boggs.	Parrish of Travis.
Boon.	Pavlica.
Branch.	Pearce.
Brown.	Petsch.
Conway.	Pool.
Cornwell.	Porter.
Daniel.	Powell.
Davis.	Ramsey.
Denman.	Rawlins.
Dielmann.	Renfro
Durham.	of Angelina.
Enderby.	Renfro of Mills.
Farrar.	Rogers of Hays.
Faulk.	Rogers of Shelby.
Finlay.	Runge.
Fly.	Sanders.
Forbes.	Satterwhite.
Gates.	Shaver.
Gibson.	Shearer.
Gilbert.	Sheats.
Graves.	Shirley.
Hagaman.	Smith of El Paso.
Hall.	Smith of Nueces.
Harding.	Smith of Smith.
Harman.	Smyth.
High.	Stell.
Holland.	Stevenson.
Hornaday.	Stout.
Jacks.	Sutton.
Jones.	Swain.
Justice.	Taylor.
Kemble.	Turner.
Kincaid.	Van Zandt.
King of Hopkins.	Veatch.
Kirkland.	Waddell.
Land.	Walker.
Loftin.	Wallace of Panola.
Loy.	Wallace of Smith.
Masterson.	Ware.
McCombs.	Webb.
McGill.	Wells.
McKean.	Williams
Merritt.	of Sabine.
Minor.	Williams
Montgomery.	of Travis.
Moore.	Williamson.
Morse.	Woodall.

Nays—6.

Albritton.	Smith of Atascosa.
Kennedy.	Snelgrove.
Olsen.	Whitaker.

Present—Not Voting.

Tillotson.

Absent.

Acker.	Duvall.
Bonham.	Eickenroht.
Cox.	Fuchs.
Cummings.	Gray.
Dale.	Holder.
DeBerry.	Johnson.
Dunlap.	

King of	Reagan.
Throckmorton.	Simmons.
Kirby.	Sinks.
Lipscomb.	Storey.
Long.	Teer.
Nicholson.	Wallace
Poage.	of Freestone.
Pope.	Woodruff.
Purl.	Young.

Absent—Excused.

Foster.	Kinnear.
Hefley.	Kittrell.
Kayton.	Rowell.
Kenyon.	Wassell.

The Speaker then laid Senate bill No. 6 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—111.

Albritton.	Kenyon.
Alexander.	Kincaid.
Anderson.	King of Hopkins.
Avis.	Kirkland.
Barnett.	Land.
Barron.	Loftin.
Bass.	Masterson.
Bateman.	McCombs.
Beck.	McGill.
Bird.	McKean.
Black.	Merritt.
Boggs.	Minor.
Boon.	Montgomery.
Branch.	Moore.
Conway.	Morse.
Cornwell.	Moursund.
Daniel.	Murphy.
Davis.	Nabors.
DeBerry.	Olsen.
Denman.	Parish of Runnels.
Durham.	Parrish of Travis.
Enderby.	Pavlica.
Eickenroht.	Pearce.
Farrar.	Petsch.
Faulk.	Pool.
Finlay.	Porter.
Fly.	Powell.
Forbes.	Purl.
Gates.	Ramsey.
Gibson.	Rawlins.
Gilbert.	Renfro
Graves.	of Angelina.
Hagaman.	Renfro of Mills.
Hall.	Rogers of Hays.
Harding.	Rogers of Shelby.
Harman.	Runge.
High.	Sanders.
Holland.	Shaver.
Hornaday.	Shearer.
Jacks.	Sheats.
Jones.	Shirley.
Justice.	Smith of Atascosa.
Kemble.	Smith of El Paso.
Kennedy.	Smith of Nueces.

Smith of Smith.	Walker.
Smyth.	Wallace of Panola.
Snelgrove.	Wallace of Smith.
Stell.	Ware.
Stevenson.	Webb.
Stout.	Whitaker.
Sutton.	Williams
Swain.	of Sabine.
Taylor.	Williams
Turner.	of Travis.
Van Zandt.	Williamson.
Veatch.	Woodall.
Waddell.	Young.

Present—Not Voting.

Tillotson. .

Absent.

Acker.	Lipscomb.
Bonham.	Long.
Brown.	Loy.
Cox.	Nicholson.
Cummings.	Poage.
Dale.	Pope.
Dielmann.	Reagan.
Dunlap.	Satterwhite.
Duvall.	Simmons.
Fuchs.	Sinks.
Gray.	Storey.
Holder.	Teer.
Johnson.	Wallace
King of	of Freestone.
Throckmorton.	Wells.
Kirby.	Woodruff.

Absent—Excused.

Foster.	Kittrell.
Hefley.	Rowell.
Kayton.	Wassell.
Kinnear.	

#### PROVIDING FOR COPIES OF THE CIVIL STATUTES.

Mr. Barron offered the following resolution:

Resolved by the House of Representatives of Texas, That the Secretary of State be and she is hereby instructed to deliver to each of the members of this House as shall request same one set of the 1925 Criminal and Civil Statutes, and take the receipt therefor, and each member who has formerly received sets of statutes shall return them to office of Secretary of State at the close of this session or future called sessions of the Fortieth Legislature.

Signed—Barron, Bateman.

The resolution was read second time and was adopted.

#### RULES FOR HOUSE PAGES.

The Speaker announced the following rules for the House pages:

1. Three designated pages to distribute papers on duty from 7 a. m. to 5 p. m., and Sunday mornings. The same are off duty Saturday afternoons when the House is not in session.

2. All other pages on duty from 8 a. m. to 6 p. m.

3. All pages shall sign up on arriving mornings, and noons, and when going off duty in the evening.

4. Pages going on errands off the Capitol grounds must report to book-keeper on leaving and returning.

5. Pages must remain on their beats, and on their feet ready for service when the House is in session, and at no time play while on the floor of the House, or loiter anywhere about the Capitol.

6. Pages shall not molest anything on the desks of members.

7. No page, or other employe, shall receive a "tip" for service.

#### BILLS RE-REFERRED.

On motion of Mr. Moursund, House bills Nos. 88 and 89 were withdrawn from the Judiciary Committee and referred to the Committee on Criminal Jurisprudence.

On motion of Mr. Cummings, House bill No. 31 was referred to the Judiciary Committee.

On motion of Mr. Jacks, House bill No. 26 was withdrawn from the Committee on Common Carriers and referred to the Committee on Municipal and Private Corporations.

#### ADJOURNMENT.

On motion of Mr. Masterson, the House, at 4:50 o'clock p. m., adjourned until 2 o'clock p. m. next Monday.

#### APPENDIX.

#### STANDING COMMITTEE REPORTS.

The following standing committees have today filed favorable reports on bills as follows:

Judiciary: House bills Nos. 98, 223, 80, 70, 48, 29, 42 and 44.

Privileges, Suffrage and Elections: House bill No. 75.

Criminal Jurisprudence: House bill No. 140.

Conservation and Reclamation: House bill No. 31.

Highways and Motor Traffic: Senate bill No. 6.

Municipal and Private Corporations: House bill No. 132.

In Memory  
of  
Hon. M. G. Jackson

---

Mr. Hagaman offered the following resolution:

Whereas, On Sunday, January 2, 1927, at Eastland, Texas, the Hon. M. G. Jackson, a former member of this body, was called by death.

Mr. Jackson was born April 11, 1845, in Barber county, Alabama, and came to Texas just before the Civil War. He joined the Confederate army as a member of the Thirty-seventh Alabama regiment, Company D. He also served as a member of a Georgia company and saw service under General Joseph E. Johnston.

While a resident of Llano county Mr. Jackson was elected to the State Legislature from a district then composed of Llano and Mason counties, and served through the Twenty-fourth Legislature. He also served in the Thirtieth and Thirty-first Legislatures from Eastland county.

Always a farmer and stockman, Mr. Jackson was interested in the welfare of the working class, especially the farmers, and devoted much time in working for their interests.

He went to Austin at the last Special Session of the Legislature and served as doorkeeper of the Legislature until about a month before he was stricken by paralysis that brought on his death.

When the Eleventh Court of Civil Appeals was created and located at Eastland, Mr. Jackson was given a position as bailiff, which place he held at the time of his death.

His wife died at Eastland in 1924 and they leave a large family of children and grandchildren.

Funeral services for M. G. Jackson were conducted from the home of Ed Sparr. The Rev. Frank E. Singleton, pastor of the First Methodist Church of Eastland, officiated, assisted by Rev. W. J. Nelson, pastor of the First Baptist Church of Eastland.

All offices at the courthouse at Eastland were closed for one hour while the officials attended the funeral. The officials gave a beautiful floral offering.

To know Mr. Jackson was to love him.

Resolved by the House of Representatives, That we deplore the untimely death of Mr. Jackson, and extend our heartfelt sympathy to his family and numerous friends, and that a page of the House Journal be set aside today in memory of Mr. Jackson, and of his honest and faithful service, and that when the House adjourns today, it be in respect to him; and be it further

Resolved, That the Mailing Clerk be and is hereby instructed to send a copy of this resolution to the members of his family.

HAGAMAN,  
GILBERT,  
SANDERS.

The resolution was read second time and was adopted by a rising vote.

## TENTH DAY.

(Monday, January 24, 1927.)

The House met at 3 o'clock p. m., pursuant to adjournment, and was called to order by Speaker Bobbitt.

The roll was called, and the following members were present:

Acker.	Loftin.
Albritton.	Long.
Alexander.	Loy.
Anderson.	McCombs.
Avis.	McGill.
Barnett.	Merritt.
Barron.	Minor.
Bass.	Montgomery.
Bateman.	Morse.
Beck.	Moursund.
Bird.	Murphy.
Black.	Nabors.
Boggs.	Nicholson.
Boon.	Olsen.
Branch.	Parish of Runnels.
Brown.	Parrish of Travis.
Conway.	Pavlica.
Cornwell.	Pearce.
Cox.	Poage.
Dale.	Pool.
Davis.	Pope.
DeBerry.	Porter.
Dunlap.	Powell.
Durham.	Purl.
Duvall.	Ramsey.
Enderby.	Renfro
Eickenroht.	of Angelina.
Farrar.	Renfro of Mills.
Faulk.	Rogers of Hays.
Forbes.	Rogers of Shelby.
Foster.	Rowell.
Gates.	Runge.
Gibson.	Sanders.
Gilbert.	Satterwhite.
Graves.	Shaver.
Gray.	Shearer.
Hagaman.	Sheats.
Hall.	Shirley.
Harding.	Simmons.
Harman.	Sinks.
Hefley.	Smith of El Paso.
High.	Smith of Nueces.
Holland.	Smith of Smith.
Hornaday.	Smyth.
Jacks.	Snelgrove.
Johnson.	Stell.
Jones.	Stevenson.
Justice.	Storey.
Kemble.	Stout.
Kennedy.	Sutton.
Kincaid.	Swain.
King of Hopkins.	Taylor.
King of	Teer.
Throckmorton.	Turner.
Kirby.	Van Zandt.
Kirkland.	Veatch.
Land.	Waddell.
Lipscomb.	Walker.

Wallace	Williams
of Freestone.	of Sabine.
Wallace of Panola.	Williams
Wallace of Smith.	of Travis.
Ware.	Williamson.
Wassell.	Woodall.
Webb.	Woodruff.
Wells.	Young.
Whitaker.	

Absent.

Bonham.	Reagan.
Kinnear.	Tillotson.

Absent—Excused.

Cummings.	Kayton.
Daniel.	Kenyon.
Denman.	Masterson.
Dielmann.	McKean.
Finlay.	Moore.
Fly.	Petsch.
Fuchs.	Rawlins.
Holder.	Smith of Atascosa.

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

## LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Kayton for today, on motion of Mr. Pope.

Mr. Denman for today, on motion of Mr. Sutton.

Mr. Kenyon and Mr. Smith of Atascosa for today, on motion of Mr. Shearer.

Mr. Dielmann for today, on motion of Mr. Williamson.

Mr. Masterson for today, on motion of Mr. Shearer.

Mr. Finlay for today, on motion of Mr. Merritt.

Mr. Holder for today, on motion of Mr. Purl.

The following members were granted leaves of absence on account of sickness:

Mr. McKean for today and the balance of the week, on motion of Mr. Rogers of Hays.

Mr. Cox for today, on motion of Mr. Smith of Nueces.

The following members were granted leave of absence for today and tomorrow that they might attend the funeral of Hon. Norman G. Kittrell: Messrs. Morse, Rawlins, Fly and Cummings.

## TO ADOPT STATE SONG.

Mr. Satterwhite offered the following resolution:

H. C. R. No. 9, To adopt State song.